CASE NO.
177

SOUTHERN DISTRICT

GUADALAZCA GRANT

YSABEL YORBA

CLAIMANT

LAND CASE 177 SD pgs. 126

MAR 7 1963

31

1771

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 31

Isabel Yorba CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Guadalazca."

/

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Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

Be it Remembered, *that on this* 9th *day of* February, *Anno Domini One Thousand Eight Hundred and Fifty-*two, *before the Commissioners to ascertain and settle the Private Land Claims in the State of California, sitting as a Board in the City of San Francisco, in the State aforesaid, in the United States of America, the following Proceedings were had, to wit;*

The Petition of Yabel Yorba, *for the Place named* "Guadalazca," *was presented, and ordered to be filed and docketed with No.* 31 *and is as follows, to wit;*

(Vide page 3 *of this Transcript.)*

Upon which Petition the following subsequent Proceedings were had in their chronological order, to wit;

Los Angeles Sept. 4' 1852.

In Case No. 31, Ysabel Yorba for the place named "Guadalazca," the deposition of Pablo de la Guerra a witness in behalf of the Claimant, taken before Commissioner Hiland Hall, was filed:

(Vide page 5 of this Transcript.)

San Francisco Jan. 6' 1853.

In the same Case the deposition of Andres Pico a witness in behalf of the Claimant, taken before Commissioner Harry I. Thornton, was filed:

(Vide page 6 of this Transcript.)

San Francisco Aug. 24' 1853.

Case No. 31, was submitted on briefs and taken under advisement by the Board.

2.

San Francisco April 25 1854.

In the same Case Commissioner Alpheus Felch delivered the Opinion of the Board rejecting the Claim;

(Vide page 17 of this Transcript.)

San Francisco Aug. 15 1854.

In the same Case, on Motion of the United States Law Agent, the following order was made, to wit;

(Vide page 20 of this Transcript.)

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To the Honorable Commissioners to settle Private Land Claims in California

The petitioner Dona Isabel Yorba respectfully shows:

That on the sixth day of May A.D. One thousand Eight hundred and thirty six, Mariano Chico Governor of upper California, by virtue of the authority of his Office granted to the petitioner, the tract of Land known by the name of Guadalasca in the then jurisdiction of, and now in the County of Santa Barbara, comprising the land within the boundaries described in the grant and marked in the respective map

Petition

That on the fifth day of July A.D. One thousand Eight hundred and thirty six the Departmental Junta of California approved the said Grant in due form of Law.

That on the sixth day of April A.D. One thousand Eight hundred and thirty seven Juan B Alvarado Governor of California by virtue of authority of his Office granted to the petitioner an addition to the aforesaid tract of Land as described in the said Grant and accompanying map

That on the nineteenth day of April One thousand Eight hundred and thirty seven, the Departmental of California approved the said grant in due form of Law: Copies of which grants and approvals and map are hereto annexed marked A with translations marked B

The petitioner further shows that she has done and performed all the requirements of the said grant necessary to make the grant aforesaid full perfect and absolute.

That she knows of no interfering claim

That the Land has not been surveyed by the Surveyor General of the United States, but that the boundaries are fully described in the grants and respective maps, and are definite and well known

That previous to the date of the said grants, she was, ever since has been, and now is in the actual possession and occupation of the said Land

The petitioner relies for Confirmation of Title upon the Original papers copies of which are hereto annexed upon the Documents and Minutes concerning the same in the archives in the possession of the Surveyor General and such other proofs as she may be advised are necessary

Wherefore she prays the Commissioners to decree upon the validity of the said Grants and to confirm the same

Hallock Peachy & Billings
Attys. for Petitioner

Filed in office 9th Feby. 1852 Geo. Fisher

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4.

5.

Office of the Board of Land Commissioners for California
Los Angeles Sept. 4th 1852

Deposition of Pablo de la Guerra

On this day before Ariel Hall one of the Commissioners for ascertaining and settling private Land claims in California, came Pablo de la Guerra, a witness produced in behalf of the claimant Ysabel Yorba being No. 31 on the Commissioners Docket and after being duly sworn testified as follows. The U. S Law Agent was duly notified and attend. The evidence of the Witness was given in the English Language.

In answer to questions by the Counsel for the Claimant the Witness testified as follows.

My Name is Pablo de la Guerra, my age thirty two and my residence Santa Barbara & I am a Native of California.

I am acquainted with the hand writing and signatures of Francisco del Castillo Negrete, M. E. P. Hartwell Juan B Alvarado, Cosme Peña & Victor Prudon Their several signatures appearing on the paper shown me purporting to be two title papers to the claimant with a map I believe to be their genuine signatures, said paper is hereto attached & marked No. 1

I think the Claimant has Occupied the Land since the year 1840. Perhaps longer. It has been Occupied as a pasture Land for Cattle.

In answer to questions by the Law Agent the witness says he has never been on the Land, and only knows it by representation, and by seeing his cattle driven in the direction of the Land and coming from it. The land is within ten leagues of the sea coast. I was not in California in November 1838 and cannot say the Land was Occupied by the cattle of any Mission, at that time.

The Land was located where the cattle of the Mission San Buenaventura used to run. I do not know of my own knowledge that any Mission ever Occupied the Land

Pablo de la Guerra

Sworn & Subscribed
Before me Ariel Hall, Com

Filed in Office Sept. 4th 1852
Geo. Fisher Secy

6.

Deposition of Andres Pico

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San Francisco January 6th 1853

On this day before Hon. Henry S Thornton came Andres Pico a witness in behalf of the Claimant Isabel Yorba petition No. 31 and was duly sworn, his testimony being interpreted by the Secretary—

The U. S. Associate Law Agent was present.

My name is Andres Pico; my age is forty two years I was born in California and live in Los Angeles

I know the Ranchos called Guadalucoso or La Laguna claimed by Dona Isabel Yorba. She first occupied it in 1836 with Cattle and horses; she did not have a house on it then, but when I was there again in 1840 she had a house on it. She still occupies it

Andres Pico
"

U. S Law Agent present

Sworn & Subscribed before me this 6th of Jany 1853 —

Henry S Thornton Comr. &c

Filed in office Jany 6th 1853
Geo. Fisher
Secy

7.

"A"
No 1. attached to Deposition of Pablo de la Guerra.

Dello primero seis pesos:
Habilitado provisionalmente por la administracion de la Aduana maritima de Monterey de la Alta California para los años de mil ocho cientos treinta y cuatro y ocho cientos treinta y cinco.
Yguerva. A. Ramirez.

Revalidado para el bienio de 1836 y 1837.
Gutierrez A. Ramirez.

El ciudadano Coronel Mariano Chico, Representante de la Nacion, Gefe Superior Politico y Comandante General de la Alta California

Sello

Por cuanto Isabel Torba, viuda de Dn. Joaquin Maitorena, vecina del Pueblo de Sta. Barbara, ha pretendido para su beneficio personal y el de su familia el terreno conocido con el Nombre de Guadalapa practicadas previamente las diligencias y averiguaciones consecuientes, segun lo dispuesto por las leyes y reglamentos de la materia usando de las facultades que me son conferidas à nombre de la Nacion Mejicana, he venido en concederle el mencionado terreno declarandole la propiedad de el por las presentes letras à reserva de la aprovacion de la Sma Diputacion, escluyendo de el llano y la laguna que en el diseño se indican, conforme al parecer del R. P. Fr. Vicente Olas Ordaz Ministro de la Mision de Buenaventura que consta à fojas tres del Espediente y sugeta à las condiciones siguientes.

Dros: $25

1a Que se sometera à las que esbliciere el reglamento que se ha de formar para la distribucion pa. la distribuccion de terrenos Baldios y entretanto ni el agraciado ni sus herederos podràn dividir ni enagenar el que se les adjudica, imponer censo vincilo prenda hipoteca ni otro gravamen aunque sea por cuasa piadosa, ni pasarlo à manos muertas.

2a Podra cercarlo sin perjudicar las travesias caminos y servidumbres; lo disfrutara libre y esclusivamente; destinandolo al uso ò cultivo

que mas le acomode pero dentro de un año à lo mas fabricara casa y estarà habitada.

3.ª Solicitarà del juez respectivo que le dè posesion juridica en virtud de este despacho, por el cual se demarcaran los linderos en cuyos limites se pondrà à mas de sus mojoneras algunos arboles frutales ò silvestres de alguna utilidad.

4. El terreno de que se hace donacion es el comprendido entre el Llano y la punta de Mepu que se indica en el diseño cuya estencion no se especifica por no hacerse mencion de ella en el Espediente. El juez que diere la posesion lo harà medir conforme à Ordenanza.

5.ª Si contravinieren à estas condiciones perderà su derecho al terreno y serà denunciable por otro.

En consecuencia mando que sirviendole de titulo el presente y teniendose por firme y valedero se tome razon de el en el libro que corresponde y se entregue al interesado para su resguardo y demas fines. Dado en Monterey à seis de Mayo de mil ochocientos treinta y seis.

Mand.º Chico — J.º del Castillo Negrete Sno

Dio 10 p.º Queda tomada razon à fojas 111. y señalado con el numero 10.º del libro que corresponde y obra en la secretaria de mi cargo.

Monterey Mayo 6. de 1836.

Castillo.

Here follows Map

9.

I the undersigned do hereby certify the foregoing map to be a correct and faithful copy of the Original, belonging to the documents respecting the Farm granted by Governor D. Manuel Chico on the 6th of May 1836. to Doña Isabel Torba named Guadalaxa; which documents exist in the Archives of the California Government (Espediente No. 14 at present under my charge.

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Monterey 16th March 1848.

W. E. P. Hartwell

Govt. Translator.

Sello Tercero para los años y seis y ochocien

Dos Reales. de mil ochocientos treinta y tres treinta y siete.

De aprueba la concesion hecha à Da. Isabel Torba del Terreno nombado Guadalaxa. concedido en 6. de Mayo de 836. Monterrey 10 de Junio de 1836.

José Joaquin Gomez # José Antonio Carillo

Monterrey Julio 5. de 1836. En seccion de este dia aprobo la E. junta Departamental la unica proposicion en que concluye el dictamen que antecede y acordò pasè este Espediente al C. Lefe superior Politico para su conclusion.

Juan B. Alvarado = Presidte. José Maria Maldonado. Secrio. (Dos 8 ps)

Monterey 29te de Agosto de 1836.

En vista de la aprovacion otorgada en el dia 5. de Julio del corriente año por la Excelentisima Diputacion Territorial libese testimonio de dicha à la parte de Da. Isabel Torba en conformacion à la concesion hecha del terreno conocido por Guadalaxa. El Señor Dr. Nicolas Gutierrez Comandante General y Lefè politico interino de la Alta California asi lo mandò decretò y firmò de que doy fèe. Nicolas Gutierrez

Manuel Ma. Gonzalez. Secrio interino.

Es copia de su Original que al piè de la letra

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mandè sacar del que obra en esta Seria de la Jefatura politica, siendo testigos D. Ignacio Coronel y D. Santiago Aguilar de esta vecindad Monterey Septiembre treinta y uno de mil ocho cientos treinta y seis.

Dios y L. Pe Nicolas Gutierrez.

Manuel Ma Gonzalez Secio int.

El ciud. Juan B. Alvarado Gobernador interino del Estado, y presidte de la Secma Diputacn del mismo.

Por cuanto Da Isabel Sorba, Mejicana pr nacimiento ha pretendido pa su beneficio personal y el de su familia, el parage desde el serrito de la Laguna, hasta el de Guadalaxara, que le fuè concedido con anterioridad dentro de los linderos señalados en el Diseño que acompaño à la solicitud de dho sitio practicadas previamte las diligencias y concernientes, segun lo dispuesto pr leyes y reglamentos, usando de las facultades que me son conferidas à nombre de la Nacion Mejicana he venido en concederle el terreno mencionado, declarandole la propiedad de el por las presentes letras, entendiendose dha concesion con entera conformidad à lo dispuesto pr las leyes, à reserva de la aprovacion ò desaprobacion de la Secma Diputacion, y bajo las condiciones siguientes.

1a La agraciada ni sus herederos podràn dividir ni enagenar el que se les adjudica; imponer censo, vinculo fianza, hipoteca ni otro gravamen aunque sea por causa piadosa ni pasarlo à manos muertas.

2a podrà cercarlo sin perjudicar las travesias caminos y servidumbres; lo disfrutarà libre y esclusivamente destinandolo al uso ò cultivo que mas le acomode.

3a Cuando se le conforme la propiedad solicitara del jez respectivo le dè la posesion juridica en virtud de este despacho, pr el cual se demarcaran los linderos y pondrà sus mojoneras.

4a El terreno de que se hace donacion es.

X1.

pura mente el que se contiene dentro de los linderos q. se demarcan en el diseño que corre agregado al espedte. y el juez que posesionare à la interesada darà aviso al Sobrno. del numero de los sitios q. comprende.

En consecuencia mando que sirviendole de titulo el prestte. y teniendose po. firme y valedero se tome razon en el libro que corresponde y se entregue à la interesada pa. su resguardo y demas fines.

Dado en la Ccc. Mision de Sta. Barba. Abril 6 de 183 uy.

Juan B. Alvarado.

Lu. Cosme Peña. Srio del despacho.

En sesion de diez y nueve de Abril de mil ocho cientos treinta y siete, aprobò la Ccma Diputn. la proposicion en q. concluyè el dictamen de la comision de Terrenos valdios q. à la letra es como sigue: Se le concede à Da. Isabel Torba la amplitud del parage de Guadalaraya pa. q. lo posea en propiedad por tener los requisitos necesarios conforme à la ley de 18 de Agosto de 1824 y el Artlo. 8vo. del reglamto. de 21 de novembre. de 1828.

Sta. Barbara Abril 11 de 183 uy.

José A. de la Guerra # y Carrillo =
Antonio Buelna.

Juan B. Alvarado Pdte # Victor Pendon Sno

Nota) El prestte. despacho se ha extendido en papel comun por no haber en la municipalidad del sello q. corresponde. La interesada agregarà sellado en pliego del q. la ley tiene demarcado.

Victor Pendon

Filed in Office Septbr. 4th 1852

Geo: Fisher Secy.

12.

13.

Stamp First Six Dollars

Provisionally authorized by the Administration of the Maritime Custom House of Monterey in Upper California. For the years One thousand Eight hundred and thirty Four and One thousand Eight hundred and thirty five

Signed Figueroa Signed Angel Ramirez

Authorized for the years 1836 and 1837

B.

Citizen Colonel Manuel Chico Representative of the Nation, Governor and Commanding General of Upper California

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Civil Gov of upper California

Whereas Doña Isabel Yorba widow of Don Joaquin Maitorena, descent of the Pueblo of Santa Barbara has for her own personal benefit and that of her family petitioned for the Land known by the name of Guadalasca: the proper measures and examinations having previously been made as regarded by Laws and regulations on the matter, using the faculties which are conferred on me, in decree of this day and in the name of the Mexican Nation I have granted her the aforesaid Land, declaring to her the Ownership of it by these presents, subject to the approval of the Most Excellent Deputation, the plain and the Laguna marked on the map being excluded in conformity with the Opinion of the Rev. Father Fray Blas Ordaz, Curate of the Mission of San Buenaventura which appears on folio 30 of the Espediente and subject to the following Conditions viz

1. She shall submit to those (conditions) which may be established in the regulation which is to be made relative to the distribution of Vacant Lands, and in the meantime neither the grantee nor her heirs can divide or alienate that which is granted them, subject it to any tax entail mortgage pledge or any other encumbrance even for religious purposes. Or convey it in mortmain

2da She may enclose it without prejudice to the crops roads and avenues and enjoy it fully and exclusively making such use and cultivation of it as may be most convenient, but within one year she shall build a house on it and it shall be inhabited

3da She shall request the proper Magistrate to give her juridical possession in virtue of this Order by whom the boundaries will be marked out in which besides the boundaries she shall place some fruit or forest trees

of some utility.
4. The land granted in donation is that contained between the plain and the "Punta de Mujer as marked on the map its extent is not specified as it is not mentioned in the Expediente — The Magistrate who may give the possession will cause it to be measured in conformity with the Ordenance
If she shall contravene these conditions she shall lose her right to the land and it may be denounced by another person.
In consequence I order that having for a title these presents and being held as firm and valid Note be taken of them in the Corresponding Book and they be delivered to the party interested for her security and other purposes Given in Monterey on the Sixth of May One thousand Eight hundred and thirty six (Signed) Mariano Chico (Signed) Francisco del Castillo Negrete — Secretary.
Note has been taken at page 111 and designated with the number 107 of the Corresponding Book and it rises in the Secretary's Office in my charge Monterey May 6th 1836. (Signed) Castillo.

"Stamp Third" (Eagle) "Two Reales"
"For the years One Thousand Eight hundred and Thirty six & One thousand Eight hundred and thirty seven

B

"The Grant made to Dona Isabel Yorba of the land named Guadalasca dated May 6th 1836 is approved (Signed) José Joaquin Gomez. (Signed) José Antonio Carrillo Monterey July 5th 1836. In Session of this day the most Excellent Departmental Junta approved the Only proposit in virtue which the foregoing report concludes and decree in this Expediente to be passed to the Governor for its Conclusion Signed Juan B Alvarado
Signed José Maria Maldonado — Secretary
Monterey August 29th In view of the Approval passed on the Fifth of July of the present year by the most Excellent Territorial Deputation let a testimony issue be issued to Dona Isabel Yorba in Confirmation of the part of the land known as Guadalasca. Señor Don Nicolas Gutierrez Commanding General and Governor ad interim of Upper California thus Ordered decreed and signed to which I certify (Signed) Nicolas Gutierrez (Signed) Manuel Maria Gonzales Secretary —
This is a Copy which I ordered to be taken from that which exists in the Office of the Secretary of the Upper Governor the

Fees $8.
Rubric of Gonzales

Fees $4.00
Rubric of Gonzales

Witnesses being Don. Ignacio Coronel and Don Santiago Aguilar of this vecindad.

Monterey September thirty first One thousand Eight hundred and thirty six. Signed Manuel Maria Gonzales. Sec. ad int. Citizen Juan B Alvarado Governor ad interim of the State and President of the Most Excellent Diputation of the Same

B

Whereas Dona Isabel Yorba Mexican by birth has, for her her own personal benefit and that of her family, petitioned for the land from the Canada of the Laguna to that of Guadalasca which was previously granted her within the boundaries marked on the Map which accompanied her petition for said Grant, the necessary measures being previously taken as required by Laws and regulations, using the faculties which are conferred on me in the name of the Mexican Nation, I have granted to her the expressed Land declaring to her the Ownership of it by these presents, said grant being understood to be extended conformably with the requirements of the Laws, and subject to the approbation and disapprobation of the Most of the Most Excellent Diputation and under the following Conditions.

1 Neither the grantee nor his heirs can devide or alienate that which is granted them, subject to any lien entail pledge mortgage or other encumbrance even for religious purposes or convey it in mortmain.

2d She may may enclose it without prejudice to the roads crossings and servitudes, and enjoy it freely and exclusively making such use or cultivation of it as she may think proper

3d When the Ownership is confirmed to her, she will require the proper Magistrate to give her juridical possession in virtue of this Order, by whom its boundaries will be marked out and the bounds placed

4. The land granted in donation is solely that contained within the boundaries marked on the map, and the Magistrate who may give the possession will report to this Government the number of sitios it contains

In consequence I order that Survey as a title these presents, and being held as firm and valid note be taken in the corresponding Book and they be delivered to the party interested for her security and other purposes

Given in the Ex Mission of Santa Barbara April 6th 1837

Signed Juan B Alvarado

(Signed) Secretario Cosme Peña Secretary

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In session of Nineteenth of April One thousand Eight hundred and thirty Seven, the Most Excellent Deputation approved the proposition which encludes the report of the Committee on vacant Lands, which literally is as follows" There is granted to Doña Isabel Yubo the extension of the place of Guadalasca, that she may possess it in fee, having the requisites of the Law of August 18th 1824 and article 5th of the regulation of November 21st 1828" Santa Barbara April 11th 1837

(Signed) Jose A. de la Guerra y Carrillo
(Signed) Antonio Buelna

(Signed) Juan B Alvarado
Presidente

"Victor Prudon
Secretary

Note- This present document is issued on common paper as there is none of the Corresponding Stamps in this Municipality- The party interested will attach a sheet of the Stamps required by Law

(Signed) Victor Prudon

Filed in Office Feby. 9. 1852
Geo. Fisher
Secy

17.

Isabel Yorba vs. The United States } For the place called Guadalasca situated in Santa Barbara County—

Opinion of the Board

The petitioner claims under two grants made to herself the first by Governor Marcano Chico on the 6th day of May 1836 and the second for an extension of the premises by Governor Alvarado on the 6th day of April 1837. Both grants are given in evidence duly proven to be genuine; and both are shown to have received the approval of the Tribunal of Depredations. The first grant imposed the condition of building a house within a year which should be inhabited. The proof does not show the existence of a house on the land until 1840 and no evidence of cultivation or other improvement is given. This constitutes the first objection made by the Law Agent to the grant. His second objection is founded on an alleged want of description of the premises granted, and the absence of all proof defining its boundaries, or giving it a location and limits. This question we must examine. The first grant describes the land as that known by the name of Guadalasca and in the condition it is declared that the land granted is that contained between the plain and the Puente de Mugu as marked on the map" its extent is not given, but the magistrate who gives the possession is required to cause it to be measured. The land conceded by the second grant is that from the limits of the Laguna to that of Guadalasca" previously granted to her and "is solely that contained in the boundaries marked on the map". The map in both these cases is referred to for the description of the land granted, without it there is really no description of the premises, and there are no calls or monuments by which its external lines could be traced. No aid is given by juridical measurement for none appears to have been obtained; none from the quantity of land granted, for none is specified; none from the directions of lines or the length of the sides of the premises or the degrees of the angles of divergence for none of these are stated. Nor is any proof given tending to show what is the location limits or boundaries of the place known by the name of Guadalasca. The claimant has not given in evidence the original expediente showing the proceedings to obtain the grant and we are therefore without any information from that record usually so important for a correct understanding of the case. Without the map referred to in the grant, in

the absence of all other evidence on the subject the claim cannot in my opinion be confirmed.
Among her papers however the claimant has presented a map certified to be a correct and faithful copy of the original belonging to the documents respecting this grant existing in the Archives of the late foreign Government. This certificate is dated Monterey 16 March 1848 and signed by M. E. P. Hartnell Gov. "translator. No evidence is given in the case to show the official character of Mr. Hartnell, nor that he had the custody of the Archives of the former Government possessed any capacity to certify copies of such documents, so as to make them evidence by virtue of his certificate. Nor am I aware of any thing of which judicial cognizance can be taken, which recognizes the office or the officer for that purpose. Such custody existing in fact and regulated in law, is a prerequisite to the power of any individual to make legal evidence, an instrument certified by him to be a copy. and it has been a question of judicial discussion whether a copy certified by the officer admitted to have the legal custody of such documents, is admissible in evidence unless he is specially appointed by law to furnish copies for that purpose. The weight of authority seems however in this country at least to be in favor of the admissibility of such copies when duly certified by the public officer whose duty it is to keep the original. In England it is otherwise 1 Green l. Ev. §485 and notes. There are many cases in which certified copies of papers belonging to public offices, and made by officers under the former jurisdiction before the cession of the country have been received in evidence by this Commission, as they have by other Commissions and courts in investigating titles under grants from a former Government. Thus the duly certified copies of documents properly belonging to and deposited in the Office of a Notary Public, a Judge or an alcalde or the Secretary of the Government have often been so received. The original under the Mexican Law belonging to the public Archives the certified copy from the custodian of it had by Spanish and Mexican Law the force of an original duly authenticated. And even without such specific provision as to the effect of a copy I apprehend on general principles that the certificate of a public officer to whom the Mexican

certificate of a public Officer to whom the Mexican

19.

Law confided the charge of Public Archives to a copy of any Document thus committed to his keeping would be sufficient to authenticate it to be received in evidence Congress however has been careful in most cases like the present question, to provide by Special enactment for the admission of certified Copies, rather than to rest the interest of parties on any general principle. Thus the Act of May 26. 1824 relating to Land Claims in Missouri and Arkansas, & that of May 26. 1830 relating to the claims in Florida, make Special provision on this subject - The provisions of the Act providing a Seal for the Surveyor General of California now the keeper of the Archives of the former Government here and Expressly authorizing him to give and certify copies of Documents thus in his Charge to be used as evidence, is another instance of the care of the government in this regard - And in accordance with the same principle is the General Law of the United States of March 27th 1804 giving effect to certain exemplified copies duly certified, but this Law requires not merely the certificate of the keeper of the Original, but the further therefication of the Governor, a Judge, or other proper Officer as specified therein - But under no principle recognized either by the decisions of Courts or by Statutory enactments is the force of evidence given to a Copy unless certified by the person having at the time the legal custody of the Originals and who is authorized either by the express provisions of Statute or by the Recognition of the general principle above stated by the tribunal in which it is offered, to give certified copies for such use. We have no knowledge that the person who certifies to the map offered in evidence as a true Copy had at the time of the date of his certificate the legal custody of such documents or that he occupied any position by which his certificate could give to the paper offered the force of Evidence - The representative of the Government having distinctly waived the objection to the evidence when the case was Submitted the map will not therefore be regarded as having the force of evidence; and as without it there is no sufficient description of the premises granted, the claim cannot be confirmed

Filed in Office April 25th 1854
Geo. Fisher Secy

Isabel Yorba
vs
The United States

Decree

In this case on hearing the proofs and allegations it is adjudged by the Commission that the said claim of the Petitioner is not valid and her application for a confirmation thereof is therefore denied.

Alpheus Felch
Thompson Campbell
R. Aug. Thompson
Commissioners

Filed in office April 25th 1854
Geo. Fisher
Secy

And it appearing to the satisfaction of this Board that the Land hereby adjudicated is situated in the Southern Judicial District of California it is hereby Ordered that two Transcripts of the proceedings and of the decision in this Case and of the papers and Evidence upon which the same is founded be made out and duly certified by the Secretary One of which Transcripts shall be filed with the Clerk of the United States District Court for the Southern Judicial District of California, and the Other be transmitted to the Attorney General of the United States.

Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims in the State of California.

I, George Fisher — Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing Twenty — pages, numbered from 1 to 20, both inclusive, to contain a true, correct and full Transcript of the Record of the Proceedings and of the Decision of the said Board, of the Documentary Evidence and of the Testimony of the Witnesses, upon which the same is founded, on file in this Office, in Case No. 31. on the Docket of the said Board, wherein Isabel Verba is —

the Claimant against the United States, for the place known by the name of Guadalazca.

In Testimony Whereof, I hereunto set my hand and affix my private Seal (not having a Seal of Office) at San Francisco, California, this Second — day of December A. D. 1854, and of the Independence of the United States of America the seventy-ninth.

Geo: Fisher
Sec.

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U. S. District court
Southern District of California

No. 177. Docket

The United States,
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vs.
Isabel Gor[illegible]
"Guadalazca"

Transcript of the Record
from the
Board of U. S. Land Commissioners
in Case No. 31.

Filed December 19th 1854.
C. C. Carr
Clk.

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No. 31

No 177

United States District Court for the Southern District of California.

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Ysabel Yorba, appellant.
vs
The United States, appellees

Notice of intention to prosecute the appeal from the decision of the United States Land Commissioners

Ysabel Yorba, Claimant of the Rancho called "Guadalazca" situate in the County of Santa Barbara, in the Southern District of California, hereby gives notice of her intention to prosecute an appeal from the decision of the Board of Commissioners in her claim for the said land, which claim was presented to the said Board of Commissioners, and by them rejected; Her claim being that which is numbered on the Docket of said Board of Commissioners No. 31, the Transcript whereof as filed in this office is numbered No. 177.

Halleck Peachy & Billings
Attorneys for Appellant.

No. 177.

U. S. District Court
Southern District of California

Isabel Yorba, appellant
vs
The United States, appellees.

Notice of intention to prosecute appeal.

Filed Dec 26. 1854.
C. E. Carr.
Clk.

Hallett & Peachy & Billings
Attorneys for appellant

United States District Court for the
Southern District of California.

Ysabel Yorba, Appellant
vs
The United States, Appellees.

Petition of Appellant praying the Court to review the decision of the U. S. Land Commissioners.

Your Petitioner, Ysabel Yorba, respectfully shows unto this Honorable Court, that on the 14th day of April 1836, she applied to the proper authorities for a grant of the Rancho or Tract of land called "Guadalazca", situate in the then jurisdiction of Santa Barbara, Territory of Upper California, and in the now County of Santa Barbara, State of California, and that on the 6th day of May 1836, Mariano Chico, Governor of California, by virtue of authority in him vested, granted to her the said land with the boundaries described in the grant and in the Map which accompanied her petition, and is referred to in the grant as being in the Espediente, and as identifying the land intended to be granted, excepting from the operation of said grant the portion of the land described as the "Plain and the Laguna": that on the 5th day of July 1836, the Departmental Junta of California approved the said grant in due form, and that on the 31st day of September 1836, Nicolas Gutierrez, Governor of California, issued to your Petitioner, a Document of final title, making said grant definitively valid;

Your petitioner further shows that on the 21st day of February 1837, she applied to the proper authorities for a grant of that part of the said tract of land represented on the map as aforesaid, called the "Plain and the Laguna", and which was excepted from the operation of her grant as aforesaid,

and that on the 6th day of April 1837, Juan B. Alvarado, Governor of California, by authority in him vested, granted to the Petitioner the tract so excepted from her former grant, thus conveying to her the ownership of the entire tract of land with the boundaries described in the map and Title papers aforesaid; that said grant of Governor Alvarado was duly approved by the most Excellent Deputation of California, on the 19th day of April 1837, and a document of final title issued to the petitioner, making the said grant definitively valid.

Your petitioner further shows that immediately on receiving the grant of said land, she took possession thereof, that she ever since has been, and now is, in the quiet and peaceful occupation of said land, using parts of the same for cultivation, and the remainder for Stock-raising; and that all the conditions of the said grant have been faithfully performed.—

Your Petitioner further shows that the said Rancho or Tract of land granted to her as aforesaid, is situate in the Southern District of California;—

~~Your Petitioner further shows that the said Rancho or Tract of land granted to her as aforesaid, is situate in the Southern District of California~~.

Your Petitioner further shows that on the 5th day of February 1852, she presented her claim to the said land to the United States Land Commissioners appointed under the act of Congress passed on the 3d of March 1851, entitled "An act to ascertain and settle private land claims in the State of California", when sitting as a Board, and prayed the said Board to confirm it; and that on the 26th day of April 1854 the said Board of Commissioners decided upon the validity of the petitioner's said claim and rejected it.

Your Petitioner prays that the Transcript of the report of the said Board of Commissioners on the

claim presented to them as aforesaid, and of the documentary evidence and testimony of the witnesses on which it was founded, which was filed with the Clerk of this Court on the 19th day of December 1854 as directed by the 12th Section of the act of Congress passed on the 31st of August 1852, entitled "an act making appropriations for "the Civil and diplomatic expenses of the Government "for the year ending the thirtieth of June 1853, and "for other purposes," may be held and considered as part of this petition, and a notice of appellant's intention to prosecute appeal was filed with said Clerk on the 26th day of Dec. 1854.

Wherefore your petitioner appealing from the said decision of the Board of Commissioners, presents this petition to the Honorable the District Court for the Southern District of California, being the District Court of the District in which the land is situated, and she prays this Honorable Court to review the said decision of the said Board of Commissioners, and to decide upon the validity of her claim.

Hallock, Peachy & Billings,
Attorneys for Appellant.

177 No. ~~2~~ 177.

U. S. District Court

Southern District of California

Isabel Yorba, Appellant.

vs

The United States, Appellees.

Petition of Appellant on Appeal from the U. S. Land Commissioners.

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PAGE 25

Filed Dec 26. 1854.

C. E. Carr
Clk.

Hallett & Peachy & Billings
Attorneys for Appellant.

United States of America,
Southern District of California. } SS.

TO **The President of the United States,**

Pacificus Ord, Attorney of the United States for the Southern District of California.

177 SD
PAGE 26

GREETING:

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against ~~you, and each of you,~~ the United States, in the District Court of the United States, in and for the Southern District of California, on the Twenty sixth day of December in the year of our Lord one thousand eight hundred and fifty-four at the City and County of Los Angeles, in said District, by Isabel Yorba, by Hallock Peachy and Billings, Attorneys, praying the said Court to review upon the grounds therein set forth, the decision of the Board of Commissioners to ascertain and settle the private land claims in the State of California, of her claim to a tract of land called "Guadalazca" and the "Claim of Laguna" in the County of Santa Barbara, California, which said claim was presented by said Isabel Yorba, Plaintiff, to said Commissioners on or about the 8th day of February, 1852, and by them rejected on or about the 26th day of April A.D. 1854

and that you, ~~and each of you,~~ are required to appear at said Court, in said City, within ten days after the service hereof, if served on you within the County of Los Angeles, and within twenty days if served on you in the County of San Diego or San Bernardino, and within forty days if served on you in any other County of said State, exclusive of the day of service, and answer said petition, or that ~~judgment by default will be taken against you, and each of you, and the prayer of the said petitioner will be granted, with costs.~~ the plaintiff will apply to the Court for the relief demanded therein.

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed the Seal of the said Court, this Fourteenth day of February in the year of our Lord one thousand eight hundred and fifty-five at Los Angeles aforesaid.

J. E. Carr
Clerk.

No 177.

Recd Feby 15

United States of America,

Southern District of California,

U. S. District Court.

Ysabel Corba, appellant

vs.

The United States, appellees

31.

SUMMONS.

Received Feby 15th 1855
Edward Thirsk
U S Marshal

177 SD
PAGE 27

Marshals Cost—
Copying summons
four folios $1.20
Serving summons 4.00
Serving petition 4.00
$9.20

I served this summons along with the proper copy of the petition upon Pacificus Ord Attorney of the United States for the southern district of California by leaving with him personally a duly certified copy of the summons

at San Luis Rey in the Southern District of California on the fifteenth day of February A. D. 185 5

Sworn to and subscribed before me, this 17th day of Feby 1855, J. Lyons, Clerk.

Edward Thirsk
U S
Deputy Marshal.

United States District Court
Southern District of California
Hon Isaac P. Ogier Judge
December Term 1855

Gabriel Yorba
Appellant

vs

The United States
Appellee

No. 141
Transcript from Land
Commissioners No 31

This cause coming on to be heard on an appeal from the decision of the Commissioners to ascertain and settle private Land Claims in the State of California under an act of Congress approved March 3. 1851. upon the transcript of the proceedings and decision and the papers and evidence on which said decision was founded. and it appearing that said transcript has been duly filed. and Counsel for the respective parties having been heard It is ordered. adjudged and decreed that the decision of the Commissioners be and the same is hereby reversed. And it is further adjudged and decreed that the claim of the above Named Appellant is good and valid and the same is hereby Confirmed to her to the extent of Eleven leagues of land within the boundaries called for in the grant of Governor Juan B Alvarado of the date of April 6th 1839. and described in the map to which said grant refers. Provided that should there be less than said quantity of Eleven leagues contained within the said boundaries. then Confirmation is hereby made of said less quantity

Isaac P. Ogier
U S Dist Judge

No 177

U. S. Dist. Court
South Dist of Calif.

Isabel Ynba
appellant
vs
The United States
appellee

Decree

Recorded ~~1857~~
page ~~22~~ 276

Filed March 7th 1856

C. E. Carr
clk
by O Morgan Depty

No

In the United States Dist Court for the Southern Dist of California

Isabel Yorba, appellant
vs
The United States, appellee
} claim for "Guadalascá".

And now on the 12th day of June 1855 the parties appear, the appellant by her atty H. W. Halleck and appellee by P. Ord U.S. Dist atty for the Southern Dist of California, and on motion of appellants atty it is ordered that either party may take such further testimony as they may wish in the above entitled cause.

No 177

U. S. Dist Court for the southern Dist of Cala.

Isabel Yorba, appellant

vs

The United States, appellee

Motion to take testimony

Filed June 13th 1855

J. E. Carr
Clk,

In the District Court of the United States
for the Southern District of California.
Los Angeles. Los Angeles County.

No. 177.

Isabel Yorba,
Appellant.
vs.
The United States
Appellees.

(No. 31 of Transcript.
Answer to the petition of
Appellant, praying the
Court to review the de-
cision of the U. States
Land Commissioners.

The answer of Pacificus Ord, Attorney of the United States for the Southern District of California, in behalf of the United States, to the petition of Isabel Yorba, (filed December 26th (1854) alleging, that on the 5th day of February 1852, she presented her claim to the United States Land Commissioners, appointed under the act of Congress, passed on the 3rd of March 1851, entitled "an act to "ascertain and settle the private land claims "in the State of California", to the Rancho or tract of land called "Guadalazca", and including the "Plain and the Laguna", situate in the County of Santa Barbara State of California with the boundaries described in the ~~Diseño and~~ grants, and the Map which accompanied her petitions, asking for said land, and referred to in the grants as being in the Expedients, and as identifying the land

intended to be granted; and ~~praying~~ prayed the said Board of Commissioners to confirm it; and that on the 26th day of April 1854 the said Board of Commissioners decided upon the validity of the said claim — and rejected it: and praying this — Honorable Court to review the said decision of the said Board of Commissioners, and to decide upon the validity of her claim.

And the said Attorney, answering said petition, in behalf of the United States, denies generally, all and singular, each and every allegation in the said petition contained; and denies specially,- "that "on the 14th day of April 1836, she applied "to the proper authorities for a grant of the "Rancho or tract of land called "Guadalazca", "situate in the then jurisdiction of Santa "Barbara, Territory of Upper California, "and in the now County of Santa Barbara, "State of California; and that on the 6th "day of May 1836, Mariano Chico, Governor "of California, by virtue of authority in "him vested, granted to her the said land "with the boundaries described in the grant "and in the Map which accompanied her "petition, and is referred to in the grant"

"as being in the Expediente, and as
"identifying the land intended to be
"granted, excepting from the operation
"of said grant the portion of the land
"described as the "Plain and the Laguna";
"that on the 5th day of July 1836, the
"Departmental Junta of California appro=
=ved the said grant in due form, and
"that on the 31st day of September 1836,
"Nicolas Gutierrez, Governor of California,
"issued to your petitioner, a Document of
"final title, making said grant de=
=finitively valid"; as alleged: And
he further specially denies; "that on
"the 21st day of February 1837, she applied
"to the proper authorities for a grant
"of that part of the said tract of land,
"represented on the Map as aforesaid, called
"the "Plain and the Laguna", and which
"was excepted from the operation of her
"grant as aforesaid; and that on the
"6th day of April 1837, Juan B. Alvarado,
"Governor of California, by authority in
"him vested, granted to the petitioner
"the tract so excepted from her former
"grant, thus conveying to her the owner=
=ship of the entire tract of land with
"the boundaries described in the Map and"

"and title papers aforesaid; that said
"grant of Governor Alvarado was duly
"approved by the Most Excellent Depu-
"-tation of California, on the 19th day of
"April 1837, and a document of final
"title issued to the petitioner, making
"the said grant definitively valid",
as alleged: And he further specially
denies, "that immediately on receiving
"the grant of said land, she took posses-
"-sion thereof; that she ~~has~~ ever since
"has been, and now is, in the quiet and
"peaceful occupation of said land, using
"parts of the same for cultivation, and
"the remainder for stock-raising; and
"that all the conditions of the said
"grant have been faithfully performed",-
as alleged in said petition.

And the said Attorney of the United States, in pursuance of the provisions of the said act of Congress of the 3rd of March 1851, herein fully sets forth the grounds on which the said claim is invalid - To wit:-

1. That the said alleged grant of Mariano Chico, dated the 6th of May 1836, and the said alleged grant of Juan B Alvarado, dated the 6th day of

April 1837, were made in violation of the 4th Article of the Colonization law of Mexico, of the 18th of August AD. 1824, in this;- that the land granted, as alleged by claimant, was and is within Ten leagues of the Sea Coast. And there is no evidence shown by said claimant, that the Supreme General Executive power of Mexico, previously approved of the Colonization of the public lands in Upper California, lying within Ten leagues of the Sea Coast. And it is denied that the previous Consent of said Supreme general executive power of Mexico, in such case, was ever had.

II. That at the dates of the said alleged grants, the said land was occupied by, Sea and in the possession of the Missions of the Territory of Upper California; and particularly by the Mission of San Buena=ventura; and could not therefore be Colonized.

III. That the said alleged grants have not the conditions required by, and are not made in entire conformity with the said law of Mexico, of the 18th of August AD. 1824, and the regulations for the Colonization of the Territories of Mexico, of

the date of the 21st. of November 1828.

IV. That the said alleged grant of Mariano Chico of the date of the 6th. of May 1836. contains no description of the locality, extent or boundaries of the land, pretended to have been granted, by which it can be identified and surveyed. And it is vague, indefinite, and void for uncertainty.

V. That there is no evidence that the Map shown by the said claimant, is a true copy of the original Map referred to in said alleged grant. And it is denied that it is a true copy of the said original Map.

VI. That there is no evidence of the approval of the said alleged grant, by the Territorial Deputation of California. And it is denied that the said alleged grant was ever approved by the Territorial Deputation, or Assembly of California; or by the Supreme Government of Mexico.

VII. That there is no evidence of the genuineness of the document shewn by said claimant, signed Nicolas Gutierrez. and Manuel Mª. Gonzales, dated Monterey 29th. August 1836. purporting to be a certificate, of the last named persons, of the approbation of the said alleged grant by the Territorial Deputation of California. And the genuineness

of the said document is denied.

VIII. That there is no evidence that the said claimant has done and performed all the requirements of the said grant, as alleged in her said petition to said Commissioners. And it is denied that she has done and performed all the requirements of the said alleged grant.

IX. That there is no evidence that the said claimant built a house upon the said land, within one year from the date of the said alleged grant, and that it was inhabited; and that she cultivated the said land, - as required by the conditions of the said alleged grant, and the law. And it is denied that she built a house upon said land within one year from the date of the said alleged grant, and that it was inhabited; and that she cultivated the said land.

X. That there is no evidence that the said claimant ever asked for or received the juridical possession of the said tract of land, as required by the conditions of the said alleged grant, and the law. And it is denied that she ever asked for or received the juridical possession of the said tract of land, within one year from

the date of the said alleged grant, or at any time thereafter.

XI. That the said alleged grant of Juan B. Alvarado, dated the 6th day of April A.D. 1837, of land in addition to the tract of land alleged to have been previously granted him by Mariano Chico, as aforesaid, is not executed upon the lawful stamped paper.

XII. That the said alleged grant of said Juan B Alvarado, of said date, contains no description of the locality, extent, or boundaries of the land, alleged to have been granted, as aforesaid, by which it can be indentified and surveyed. And it is vague, indefinite, and void for uncertainty.

XIII. That there is no evidence that the Map shown by said claimant, is a true copy of the original Map, referred to in said alleged grant of Juan B Alvarado. And it is denied that the said Map is a true copy of the original Map referred to in said alleged grant of said Juan B. Alvarado. And said pretended Map of said tract or tracts of land, claimed as aforesaid, is vague and indefinite.

XIV. That there is no sufficient evidence of the approval of the said alleged grant

of said Juan B Alvarado, of said date, by the Territorial Deputation, or Assembly of California, or the Supreme Government of Mexico. And it is denied that it was ever approved by the said Deputation, or Assembly of California, or the Supreme Government of Mexico.

XV. That the document shown by the said Claimant, dated April 11th 1837, purporting to be a certificate of Juan B. Alvarado, President, and Victor Prudon, Secretary, of the approbation of the Deputation on the 19th of April 1837, of the said alleged grant to Isabel Yorba, of the extension of the place of Guadalazca, is not executed upon the lawful stamped paper: And the said alleged approbation of said Deputation, does not disclose or refer to any certain grant of land, made by any certain Governor of California, at any certain date. And it is vague and indefinite.

XVI. That there is no evidence that the said Claimant has done and performed all the requirements of the said grant of said Juan B Alvarado, of said date, as alleged in Claimants said petition to said Commissioners. And it is

denied that she has done and performed all the requirements of the said alleged grant of said Juan B Alvarado.

XVII. That there is no evidence that the said claimant built a house upon the said tract of land, within one year from the date of the said alleged grant of said Juan B Alvarado, and that it was inhabited; and that she cultivated the said land, as required by the conditions of the said alleged grant, — and the law. And it is denied that she built a house upon the said land within said time, and that it was inhabited; and that she cultivated the said land.

XVIII. That there is no evidence that the said claimant ever asked for, or received the juridical possession of the said tract of land, alleged to have been granted her by said Juan B Alvarado, as aforesaid, as required by the conditions of the said alleged grant, and the law. And it is denied that she ever asked for, or received the juridical possession of the said tract of land, within one year from the date of the said alleged grant, or at any time thereafter.

XIX. That the said claimant fails to

show in evidence, the documents and minutes concerning the aforesaid alleged grants, or titles, in the Archives, in the possession of the Surveyor General (of the United States for California), or authenticated copies thereof, referred to and relied upon in her said petition to said Commissioners, in support of her said claim for said land.

XX. That the said claimant shows no definitively valid grant, or grants, title, or titles, to the said tract or tracts of land, claimed by her as aforesaid. And it is denied that said claimant has, or ever had any definitively valid grant or grants, title or titles, to said tract or tracts of land, claimed as aforesaid.

Wherefore, the premises considered, the said Attorney, respondent in behalf of the United States, prays that the said claimant may be served with a copy of this answer; and, that after due proceedings, this Honorable Court will decide the said claim of said petitioner for said tract of land, to be invalid; and to decree costs against her, and general relief.

P. Ord (of Monterey County)
Attorney of the U.S. for the Southern Dist of Cal.

I served this answer on Isabel Torba, appellant at her residence in the County of Santa Barbara by leaving with her a certified copy of the same, on the 10th day of March 1855.

Edward Hunter,
U.S. Marshal
by Thos A. Mayo
Dept

Sworn to & subscribed before me this 2d April 1855.

C. E. Carr
Clk.

No. 147.

United States District Court.
Southern District of California.

Isabel Torba,
Appellant.
vs.
The United States,
Appellee.

Answer of Attorney of U.S.

Filed July 24th 1855
C. E. Carr,
Clk.

Isabel Torba. applt.
vs
The United States, Apl'ee
No. 177.

Deposition of Bernardino Lugo, a witness for appellant, taken before me Charles E. Carr. U. S. Commissioner. for the Southern District of Cal at Los Angeles. Oct 10th 1855. to be read in evidence on the trial of this case. Present A. W. Hallett atty for applt. P. Ord U.S. atty. M. A. Pigs was sworn as Interpreter. Bernardino Lugo, being by me duly sworn, in answer to questions propounded by counsel replies as follows —

Ques. What is your name age and place of residence.

Ans. My name is Bernardino Lugo, my age 44 years, residence Santa Barbara.

Ques. State if you know the Rancho of Guadalasaca, claimed by Doña Isabel Torba, where is it situate, if Isabel Torba ever occupied the Ranch, and if so, how long and in what manner.

Ans. I know said Ranch, it is in Santa Barbara County. It has been occupied by the Claimant Doña Isabel, since the 29th of May year 1856, It ~~was~~ was and still is occupied by her with House, Corral, ~~cattle~~ horses and about 300 head of Cattle.

Ques. When was the house built and what

2

kind of a house is it.

Ans. The House was begun of poles when the Rancho was founded, and in April of the following year 1837 the adobe house was finished.

Ques. By whom has this Rancho been occupied since 1836, and who has lived in the House.

Ans. The Rancho has been occupied ever since 1836 by Doña Isabel Forba, and I lived in the house until 1838 when I delivered it over to Gabriel Garcia.

Ques. When you lived on the Rancho were you or not in the employ of Doña Isabel

Ans. I was in her employ.

Ques. Did Doña Isabel ever live on the Rancho, if so when.

Ans. Whilst I was in charge of the Rancho and on different occasions she lived on the Rancho.

Ques. Has she ever lived on it since you gave up the charge of said Rancho, to your knowledge

Ans. Yes. She has.

Ques. Where did she live, when not on her Rancho.

Ans. In Santa Barbara.

Ques. In what time of the year did she live

3

at Rancho and what time of the

3

on the Ranchs, and what time of the year in Santa Barbara

ans. She lived on the Ranch in the summer time and in Santa Barbara in the Winter.

Ques. Did she have any of this land in cultivation, & if so how much.

Ans. For two years she cultivated the land to the extent that the water would allow — a small piece of land — water is scarce on the Ranch

Ques. What use has she generally made of the Rancho

Ans. For the raising of stock and horses.

Ques. How many cattle and horses has she had on the Ranch at any one time

ans. When I left the Ranch the cattle amounted to about Nine hundred head of cattle, and about one hundred and fifty (150) head of horses.

Ques. In whose employ was Gabriel Garcia when you turned over to him the care of the Rancho

Ans. In the employ of Isabel Gorba.

Cross examined by U.S. atty.

Ques. How can you recollect that the Rancho was founded on the 29th of

4

may 1836. as you have stated.

ans. Because I myself founded it, and commenced operations on that day.

Ques. Did you put any cattle on it at that time & if yes, how many

ans. I did - Three hundred head.

Ques. Whose cattle were they.

ans. They belonged to Doña Isabel Torba.

Ques. How long was it after that time ~~that~~ that Isabel Torba first went to live on the Ranch

ans. She went very soon afterwards.

Ques. How long did she stop there.

ans. I do not recollect exactly - She was there more than three months continuously.

Ques. Was this in the year 1836, or 1837 that she first went there.

ans. It was in the year 1836.

Ques. On what part of the Ranch was the house built.

ans. By the watering place called Guadalasca, Both houses were built there.

Ques. How far is it from the houses that were built to the Sea, by the nearest line -

ans About one league and a quarter.

Ques. How far is it from the house to the Laguna.

5.

Ans. About a thousand yards.

Ques. How far is it from the house to the "Punta de Mujo".

Ans. It is the same distance as to the beach, being the nearest point on the Beach to the house - about a league and a quarter

Ques. How far is it from the house to the Cerrita de la Laguna.

Ans - The ~~but~~ Cerrita de la Laguna is immediately back of the house - the hill is to the South of the house.

Ques. How far is it from the House to the Rincon, in what direction.

Ans. About three fourths of a league; It is to the East of the House

Ques. Do you know the names of any of the places on the Ranch, if so, state them.

Ans. Yes. I know the names of some, - there is La Cañada de los Alisos, La Joya, La Punta de Mujo, - There is another place called Indian Simonoi

Ques. How far is it from the Cañada de los Alisos to the llano -

Ans About Two miles

Ques. How far is it from the Playa to the Laguna in the plain.

Ans. The same distance that it is from the Beach to the House

6. Ques. How many Ojos de agua are there on the Rancho

Ans. There are four – that of the Canada de los Alisos, Simomoi – and two which unite and form the laguna

Ques. How large is the Laguna

Ans. In the dry season of the year, it is very small, in the rainy season it extends down to the beach where it has an outlet. The lake is about four hundred yards in length in the rainy season

Ques. Where does Isabel Yorba now live.

Ans Santa Barbara, she has been living there for about 5 years, and during that time has made several visits to the Rancho.

Ques. When were you last on the Rancho

Ans. A little less than one month since

Ques. Who was then living on the place if any person

Ans. Rafael Leyba was living there.

Re-examined by Counsel for claimant.

Ques. In whose employ was Rafael Leyba.

Ans. In the employ of Isabel Yorba.

Ques. What is about the width of the llano in which the Laguna is.

Ans. Rather more than three leagues.

the ... is at its nearest point

Ques. How wide is it at its narrowest point.

Ans About a league and a quarter a little more or less. I am not quite sure.

Sworn to & subscribed before me this 10th day Oct. 1855.

J. E. Carr. Ass Com'r

Yours respectfully

No 177.

U.S. Dist Court.
South Dist of Cal.

Gabel Torba.
Applt

vs.

The United States,
Appellee.

Deposition of
Bernardino Lugo —

Filed Oct 10th 1855.

C. E. Carr,
Clk.

In the District Court of the United States for the Southern District of California

Isabel Yorba
vs.
The United States
&
Isabel Yorba & her
Attorney

No. 177.
(Transcript No. 31)

Take notice that the above entitled cause will be brought to hearing by the Attorney, on Friday the 19th of October A.D. 1855; or as soon thereafter as the same can be heard by the Court.

Los Angeles
October 13th 1855.

P. Ord
As Dist Atty.

No. 177.

Isabel Gorba

vs.

The United States.

Motion of Claimants

to D.S.

Filed Oct 18th, 1855.

J. C. Carr.
Clk.

P. Ord atty. a.s.

Capt. Hallock

$12.00

C1.

Expediente

Promovido por

Dª Isabel Gorbas

En solicitud de aumento de terreno al de su propiedad de

Guadalacsa.

1837

145

Sta. Bárbara
Febro. 25 de 1837.

Esmo. Sor. Gobernador

Informe el Y. Ayuntamiento de esta municipalidad si la Sra. Solicitante Dª. Isabel yraba, Viuda, del finado D. Joaquin Maitorena, Asto VE. como obtiene todos los mas haya lugar en derecho, aparece dicen requisitos legales q. do: Que abiendose presentado ala autoridad atendida en su dia competente, solicitando un Sitio pa. solicitud; si el fomentó un exto numero de ganado aumento de terreno mayor, y Caballada; expresando q. el ga q. pretende es por=nado sean quinientas yeses, abiendo tenido =teneciente á alguna la aprobacion como lo expresa el Titulo q. propiedad particular, se acompaña, aunque no se medió segun el ó si es de los deste. Diseño, y Representacion. q. se encontrará en =nados por el Gobno la Gefatura Politica, fue acausa del á beneficio de los informe q. dió el R. P. Ftto. de San vecinos de este punto Buenaventura, Fray Blas Ordaz

Evacuados estos informes volverá el posecion del terreno, asedido por faltar en esped. te p.a su resolucion.

Yo Señor suspendí el q. se mediese la posecion del terreno, asedido por faltar la consesion lo Solicitado.

Alvarado

Yo pedí hasta la laguna inmediata á Guadalacara, q. es el unico abrevadero considerable, y considerando q. en la fha han bariado las circunstancias; solicito q. VE. teniendo en consideracion la fatalidad, del terreno, q. se me ha asedido tenga abien ampliarme desde el Sauzito de la laguna hasta el Expresado Guadalacara,

(3.

para el fomento de los referidos Viñas,
Mas siendo q.e el terreno q.e solicito
no le hace falta, ala Excmision de Sanc
Buenaventura, como V.E. se informará,
aunque aunque puesto unas cuartas veces p.a
impedir la completa solicitud: Por tanto
A V.E. rendidamente suplico, se digne, acceder
a mi solicitud; de lo q.e viviré p.a siempre
reconocida.

Sta Bard.a Febrero 21. de 1837.
A ruego de Isabel yaba
Jose M.a Valenzuela

Ilustre Ayuntam.to

El comision á quien V.I.
se há servido confiar para que
dictamine sobre el expediente que
forma la solicitud de D.a Isabel
Yaba en pretencion del parje
nombrado Guadalaca en ob-
servancia del decreto del gobierno
de fha. 25 de Feb.o expone: que
la interesada obtiene todos los
requisitos necesarios para ser
atendida en su solicitud q.e el
terreno q.e pretende se haya ba-
dio y en estado de adjudicarse en

Colonisacion conforme a la ley de 18 de Agosto de 1824 y reglamto de Octubre de 1828 pues aunque se halla reconocido por de la mision de S. Buenavd. á la vez se haya baldio y sin la ocupacion prescrita y por consiguiente en estado de adjudicar se conforme á las leyes citadas

La que representa es ciud.a mejicana ameritada y tiene buena conducta y vienes con q. poblar lo pr.e lo q. se hace acreedora á ser amparada por la ley y por las consideraciones del Gobierno á quien representa. Por tanto opine la comision á la deliberacion de VS. la siguiente proposicion.

Puede el Gobierno adjudicar en propiedad á Da Isabel Torba el paraje nombrado Guadalacsa.

Sta Barb.a Marzo 15 de 1837

Valentin Cota
Pablo Vazquez

En seccion de hoy aprobo el S. A. la proposicion del dictamen anterior acordando su

Sirva al gobierno para su resolución.

Sta. Barb.a Marzo 15 de 1827

Diego Olivera

Fr.co Benito Diaz

Sta Barbara Abl 6 de 1837.

Vista la peticion con que dá principio este expediente el informe del Y. Ayuntam.to de esta Municipalidad con todo lo demas que se tuvo presente y en virtud de conformidad con las leyes y reglam.tos de la materia se declara á d.a Isabel Gorra dueña en propiedad de la parte de terreno de aumento que solicita al sitio que le fué concedido llamado Guadalazara conforme al diseño que acompañó á la solicitud y bajo los linderos que en el se expresan sujetándose á las condiciones establecidas en la ley de 18 de Ag.to de 1824 y al reglam.to de 21 de Nov.re de 1828: Librese el despacho correspondiente tome se razon en el libro respectivo y dirijase este expediente á la Exma Diputacion para su aprovacion en cuyo caso el interesado á quien se hará saber este Decreto presentará nuevamente su titulo para que se revalide. Así el S.r D.n Juan B. Alvarado Gob.or interino del Estado y presid.te de la Exma Diputacion lo mandó y firmó de que doy fé.

Juan B. Alvarado

Lic.do Cosme Peña.
Srio del despacho.

7.

Excmo Sor.

La Comision nombrada de tesoreros baldios impuesta del expediente formado por Da Isabel Jorba en solicitud del parage nombrado Guadalaca pone á la deliberacion de V.E. la proposicion siguiente

Se conceda á Da Isabel Jorba la amplitud del parage Guadalaca para que lo posea en propiedad, por tener los requisitos necesarios conforme al Art.o de 18 de Agto de 1824 y Art.o 6.o del Regto de 21 de Nob.e de 1828

Sta. Barb.a Abril 11 de 1837.

Antonino Buelna

J.P. Adelaguay

Carrillo

Sta Barb.a Abril 19 de 1837.

En sesion de este dia, aprobó la Corporacion la antecedente proposicion, determinando vuelva el expte al Gobno p.a los fines q.e son consig.tes

Alvarado

Victor Prudon
Secretario

Office of the Surveyor General,

Of the United States, for California.

I, **JOHN C. HAYS,** *Surveyor General of the United States for the State of California, and as such, having in my office and in my charge and custody a portion of the* **Archives** *of the former* **Spanish** *and* **Mexican** *Territory or Department of* **Upper California,** *by virtue of the power vested in me by law,* **Do Hereby Certify,** *that the* Seven *preceding, and hereunto annexed pages of tracing paper numbered from one to* Seven *inclusive, exhibit a true and accurate copy of a certain document now on file and forming part of the said archives in this office*

In Testimony Whereof, I have hereunto signed my name officially and caused my Seal of Office to be affixed, at the City of San Francisco, this Nineteenth *day of* October — 1855.

John C. Hays **U. S. Surveyor General for California.**

Extract from the 2nd Section of the Act of Congress "providing for the Survey of Public Lands in California, and for other purposes." Approved, March 3d, 1853.

"The Secretary of the Interior is hereby authorized to cause an official Seal to be prepared for the Office of the said Surveyor General, [California] and any copy or extract from the plats, field notes and other records and documents on file in his office, when attested as such by the said Seal and the signature of the Surveyor General, shall, in all judicial matters, have the same force and effect as the original."

No 177

United States Dist Court
Southern Dist of Cala.

Israel Yorba, appellant
vs
The United States, appellee

Expediente of 2d grant.

Filed Dec 24th 1855

2

J. E. Carr
Clk

Hallett, Peachy & Billings
Attys for appellee

Espediente, moved by Doña Ysabel Yorba, asking for an addition of land to that which she owns, called "Guadalacsa".

1837

No 145.

Most Excellent Señor Governor.

Ysabel Yorba, widow of the late Don Joaquin Martorena, before Your Excellency in the most proper manner appears saying:

That having presented herself to the competent authority, asking a place for growing a small number of cattle and horses; expressing that the cattle were five hundred head, having obtained the appropriation as the title which accompanies expressed, although it was not granted to me according to the map and description which will be found in the office of the political chief, this probably resulted from the report given by the Rev. Father Minister of San Buenaventura, Friar Blas Ordas.

I, Señor, suspended having given to me the possession, on account of the grant not being what was asked for.

I asked to the Laguna near Guadalacsa, which is the only considerable watering place, and considering that the circumstances are now changed, I pray Your Excellency, taking into consideration the sterility of the land which was granted to me, to be so good as to augment it from the little hill of the Laguna to the said Guadalacsa, for the growing of said cattle. Besides,

seeing that the land which is asked for will not cause a privation to the Ex Mission of San Buenaventura as your Excellency can ascertain, although it has some four times opposed the complete petition. Wherefore I truly pray Your Excellency to be so good as to grant my petition, for which I shall ever live grateful.

Santa Barbara February 21st 1837.

for Ysabel Yorba.

José Maria Valenzuela

Santa Barbara February 25th 1837.

The Ayuntamiento of this Municipality will report if the Lady petitioning, has all the legal requisites in order that her petition may be attended to; if the addition of land which she asks for belongs to any private ownership or if it has been destined by the Government to the benefit of the residents of that point.

Having reported on these points, the expediente will be returned for its decision.

Alvarado

Illustrious Ayuntamiento.

The Committee to whom Your Excellency referred for report the expediente which the petition of Doña Ysabel Yorba for the place called Guadalacsa, in compliance with the decree of the Government of February 25th, reports:

That the appliant has all the requisites

necessary to entitle her to be attended to in her petition; that the land asked for is vacant and in condition to be granted in colonization conformably to the law of August 18th 1824 and the regulation of November 1828, since, although once recognised as of the Mission of San Buenaventura, being now vacant and without the necessary ocupation, it is consequently in condition to be adjudicated conformably to said laws. The petitioner is a Mexican citizen, deserving merit, of good conduct, and has property to ocupy it, wherefore she deserves to be protected by the law and by the considerations of the Government to whom she petitions.

Wherefore the committee offers to the deliberation of your Honorable body the following proposition

The Government can grant in fee to Doña Isabel Yorba the place called Guadalasca.

Santa Barbara March 15th 1837

Valentin Cota

Pablo Vanegas.

In sesion of this day the Ilustrious Ayuntamiento approved the proposition of the foregoing report, ordering this to be returned to the Government for its decision.

Santa Barbara March 15th 1837

Diego Olivera

Benito Dias, Secretary.

Santa Barbara April 6 1837

Having seen the petition with which this Expediente begins, the report of the Illustrious Ayuntamiento of this Municipality, with all else presented and paper to be seen, in conformity with the laws and regulations on the matter, Doña Isabel Porra is declared owner in fee of the part of land which she asks in addition to the place which was granted to her called Guadalaesa conformably to the map which accompanied her petition and within the boundaries which it shows, subject to the conditions established in the law of the 18th of August 1824, and the regulations of the 21st of November 1828. Issue the corresponding despatch, take note of it in the respective book, and let this Expediente be directed to the Most Excellent Deputation for its approbation, in which case the party interested, who will be notified of this decree, will present anew her title to have it revalidated. Thus Señor Don Juan B Alvarado Governor ad interim of the State and President of the Most Excellent Deputation ordered, decreed and signed, of which I certify.

Juan B. Alvarado
Licenciado Cosme Peña
Secretary of despatch.

Most Excellent Señor.

The committee on vacant lands charged with the expediente formed by Doña Grabiel Yorba asking for the place called Guadalasca places at the deliberation of Your Excellency the following proposition:

Granted to Doña Grabiel Yorba the addition to the place of Guadalasca to possess it in fee, as she has the necessary qualifications conformably to the laws of the 18th of August 1824 and the 5th article of the regulation of the 21st of November 1828.

Santa Barbara April 11th 1837.

Antonio Buelna
Jose A. de la Guerra y Carrillo.

Santa Barbara April 19th 1837.

In sesion of this day the Corporation approved the preceding proposition, ordering the Expediente to be returned to the Government for the corresponding ends.

Alvarado
Victor Prudon, Secretary.

No 177

United States Dist Court
Southern Dist. of Cala.

Ysabel Yorba, appellant

vs.

The United States, appellee

Translation of Expediente
of 2d Grant

177 SD
PAGE 67

Filed Dec 24th 1855
J. E. Carr
Clk

Hallett Peachy & Billings
Attys for appellant.

Capt. Hallick

#32

1.

1836.—

Jurisdiccion de Santa Barbara

Espediente
Promovido por Dona
Isabel Yorba
Solicitando el Parage
Nombrada Guadalacsa

1836

14

(2)

SELLO TERCERO DOS REALES.
Habilitado provicionalmente por la Administracion de la Aduana Maritima de Monterrey de la alta California, para los años de mil ochocientos treinta y seis y mil ochocientos treinta y siete.
Gutierrez. A. Ramirez.

Sr. Jefe Sup.r Politico

Monterrey Abril 22 de 1836

De conformidad con las leyes i reglam.tos en la materia informe el Ayuntamiento en S.ta Sesion para se ¿la contestacion de esta instancia D. Joaquin Maitorena ante VS. con el debido respeto y como mejor procida digo: Isabel Lopez de esta vecindad de S.ta Barb.a Viuda del Sr. te necesario p.a ser q.e hayandome con quinientos pesos, cuatro cabellos mansos y algunos legua atendida su so- vecta lisitud si se tean y no teniendo un terreno en donde colo no q. pretendo sembrarlos, p.a lo q.e aunque dho ganado se ir regado tempo- aumenta y procrea progresivam.te me fa no he observado los estravios y perdidas de algunas asi i si pertenece á la mala, y hayandome en el caso de te propiedad se parti pen q.e acudir á Cuatro Hermanos — ar las corporacion ó menores como á hijo adoptivo mio, Pueble, si tiene ocurro á VS. ungiendo hoy se encuen bien en campo contra una autoridad dispuesta á proteg poblarle ó por ser la humanidad, pidiendole encarecida Solicite se aqui- mente q.e en uso de sus facultades, te ienda Hacienda g. viendo en consideracion lo esputo, si ran estas Silijoci alguna atencion merecieren los servi os pasara al Pa. Cios prestados p.a mi difunto Esposo á

Sr. Mtro. en la mi-
sion de S.n Buenaventura este Territorio en la Carrera de las
Centuria p.a q.e espon. armas p.r un largo espacio de años
ga lo q.e haya en el asta la Clase de Jn.te) se digne agra
particular. Ill.mo Sr. ciarme con la concision de la propie
D.n Nicolas Gutierrez del paraje nombrado Guadalajara
Jn.to la Corona.l q.e se conserva vacio, sin ningun cul
mandante Gral. é tivo y solo ocupado p.r algunos ani-
Inspector é Gef. males Mostrenos y fieras: este paraje
Politico de la alta Que perido ya hace algun tiempo p.r los
California así lo vecinos de este Pueblo Tomas Olivera
mando decreto é fix- y Jose de la Cruz Romero; mas
mo en q.e doce fe habiendo relevado su peticion ya no la
solicitan: y asi me lo aseguran ellos
mismos: la situacion y circunstan-
cias de este sitio, son las q.e manifi-
esta el diseño q.e decidam.te acom-
paño y como digo á V.S. Ill.mo sitio
solo es abrevadero de las fieras;
pero si V.S. tiene á bien acceder
á mi solicitud dentro de poco tiem-
po sera poblado de ganado y util
al Territorio, pues á mas del nume
ro de Reses q.e digo son de mi pate
nencia, pudo introducir en el sitio
mencionado algunas mas y mucho
numero de lanas con ella crian y
cultivo de la tierra se contribui-
ra al engrandecimiento del Te-
rritorio y su abundancia q.e no

Nicolás Gutierrez

Fn.co del Castillo
Negrete

(14)

SELLO TERCERO DOS REALES.
Habilitado provicionalmente por la Administracion de la Aduana Maritima de Monterrey de la alta California, para los años de mil ochocientos treinta y seis y mil ochocientos treinta y siete.
Gutierrez — A. Ramirez.

A V.S. pide se sea indiferente á V.S. Portanto: suplico, y espero de su Notoria Justicia se sirva acceder á mi solicitud concediendome el sitio referido, en lo q. recibiendo merced y gracia mi agradecimto. sera eterno.

S.ta Barb.a y Nb.r 14 de 1836.

Isabel Lorba

Santa Barbara y Nb.r 26. 1836.

En esta fha. se dió cuenta al Ayuntamiento con este expediente y se acordó pasar á la Comision de terrenos Baldios.

Vicente Moraga
Srio. Ynt.o

Y Sr. Ayuntam.to

La Comision de terrenos baldios se ha impuesto del expediente promovido por d.a Ysa. del Lorba, solicitando el parage de Guadalazara

y conveniencia sea un paraje Baldío, colindante con San Buenav.ª rumbo al Norte y con el Rancho del Campo al Este, q.e no se halla comprendido en las veinte leguas limítrofes y sí en las dos litorales q.e expresa la ley de 18. de Agosto de 1824 y q.e es de abrevadero y no de Regadío, q.e la parte de D.ª Isabel Jarba q.e la solicita tiene todos los requisitos que prescriben la ley para la atendida la solicitud, por lo q.e concluye la Comision proponiendo á la deliberacion del Ayuntam.to la siguiente proposicion.

Puede conservarsele á D.ª Isabel Jarba el terreno conocido con el nombre de Guadalcazar. —

Santa Barb.ª y Ab. 26 de 1836.

Fernando Ficoy Santiago Lugo

Daniel Hill

Sr. Jefe Sup.r Politico.

En cumplimiento del Sup.r decreto ~~marginal~~ de Vs. de fha. de 22 del Corte. Este Ayuntamiento informa á Vs. en iguales terminos q.e el antecedente Dictamen de la Comision por ser conforme en todas —

6.

SELLO TERCERO DOS REALES.
Habilitado provicionalmente por la Administracion de la Aduana Maritima de Monterrey de la alta California, para los años de mil ochocientos treinta y seis y mil ochocientos treinta y siete.
Gutierrez. A. Ramirez.

sus partes. ——

Santa Barb.a y Ab.l 26 de 1836.

Guillermo G. Dana

San Buenav.a 27 de Abril de 1836.

En atencion hallo expuesto en el Expediente, y adjunto Diseño, digo por ningun titulo, ni bajo pretesto alguno, puede esta Mision privarse de la Laguna y Plano interino, y fertil q.e actualmente tiene ocupado con mas de Dos mil Cabezas de Ganado mayor; [redacted].

A lo q.e unicamente puede acceder, es desde la cumbre de la Loma grande, hasta el estremo de la Punta de Mogu. Es quanto tengo q.e exponer sobre el particular.

M. Blas Ordaz

Mon-

Monterey Abril 29 de 1836.

Pase al Alcalde 1º de este Punto hante quien la parte de Dª Isabel Joaxa practicara una informacion de tres testigos idoneos q. sean interrogados sobre los puntos siguientes.
1º Si es casada tiene hijos é cual es su conducta é si es mujer de mal trato
2º Si Ella ó su q. pretende pretende alguna particular ocupacion ó Pueblo.
3º Si tiene bienes ó campo con q. poblarlo ó posibilidad de adquirirlos. Hecha estas q. sean estas diligencias devuelva este expediente p.a su resolucion. Lo Sr. D. Nicolas Gutierrez Teniente Coronel Comandante Gral é Gefe Politico de la Alta California así lo mandó decretó é firmo de q. doy fe.

Nicolas Gutierrez

J.n del Castillo
Negrete
Secretario

Man-

8.

SELLO TERCERO DOS REALES.
Habilitado provicionalmente por la Administracion de la Aduana Maritima de Monterrey de la alta California. para los años de mil ochocientos treinta y seis y mil ochocientos treinta y siete.
Gutierrez. A. Ramirez.

Tepic Mayo 2 de 1836.

Decreto H. P.

Notifíquese á la interesada presente los testigos q. se han de examinar bajo los puntos á q. se contrae el superior decreto antecedte. Reciban la informacion y concluida pase el expedte. al S. Gefe Político. Así yo el Alcalde lo convinieron lo decreté, mandé y firmé con los de asta.

José R. Estrada

De asta.
José Maria Madrazo.

De asta.
Jose Joaq. Gomez

En la Tepic se presentó con poder bastante el C. Bernardino Lugo para correr los tramites necesarios en este Expediente p.r la señora D.a Gertrudis Yorba se le notificó el auto antecedente, y entendido dijo lo oye y que presenta por testigos á los SS. D José Ant.o Noriega, D. Juan Pablo Ayala, y D. Domingo Bermudez, y lo firmó con migo y los de asta.

Estrada

Bernardino Lugo

De asta.
José Maria Madrazo.

De asta.
Jose Joaquin Gomez

En cuatro de Mayo de mil ochocientos treinta y seis, presente el C. José Antonio Noriega, se le recibió Juramento en forma de derecho bajo el cual ofreció decir verdad en cuanto supiere y fuere preguntado, y siendolo por su nombre, estado, edad, y vecindad Dijo: llamarse como queda dicho, casado de treinta años de edad y vecino de Santa Barbara.

Preguntado. A la ocurrencia del interrogatorio q. detalla el Superior decreto de 29. del proximo pasado Dijo:

A lo 1º. Que la Señora D.ª Ysabel Yorba es mexicana por nacimiento: que es viuda, no tiene hijos, y es de buena conducta, y respondo

A lo 2º.— Que el terreno que solicitado no sabe q. pertenezca á propiedad ninguna, y que lo considera baldio y contura

A lo 3º. Que tiene bastantes bienes de campo con q. subsiste, y q. lo dicho es la verdad á cargo del juramento que tiene hecho en el q. se afirmó y ratificó leida que le fué su declaracion y lo firmó con migo y los de asistencia.

José A. de la Garza Carrillo

José R. Estradas

De asª.

José Maria Maldonado

De asº.

José Joaquin Romero

En la misma fha. presente el C. Juan Pablo

10.

SELLO TERCERO DOS REALES.
Habilitado provicionalmente por la Administracion de la Aduana Maritima de Monterrey de la alta California, para los años de mil ochocientos treinta y seis y mil ochocientos treinta y siete.
A. Ramirez.
Gutierrez.

Ayala, se le recivió Juramento q. hizo en forma de derecho bajo el cual oprecio decir verdad en lo q. supiere y fuere preguntado, y siendo por su nombre, estado, edad y vecindad dijo se llama como queda referido: que es soltero de treinta y dos años y vecino de Santa Barbara.

Preguntado. Por el mismo estilo q. lo fué el anterior testigo dijo:

A lo 1º---- Que la interesada en la instancia q. antecede, es mejicana por nacimiento: que es viuda, no tiene hijos y es de buena conducta y responde

A lo 2º---- Que lo que sabe sobre el contenido de la pregunta es q. está inmediato el terreno à la mision de S. Buenaventura; pero q. este no pertenece à ella ni à persona alguna, y contesta

A lo 3º--- Que si tiene ambas cosas del contenido de la pregunta: q. lo q. tiene dicho es la verdad à cargo del juramento q. tiene hecho en el q. se afirmó y ratificó leida q. le fué su declaracion, y lo firmó con migo y los de asª.

Jo

José R. Estrada

Juan pablo Ayala

De asª.

José María Maldonado

De asª.

José Joaquin Osmond

y yo-

cartiento, y acemos el tercer testigo se le recivió juramento que hizo en forma de derecho, y bajo el cual ofrecio decir verdad en lo que supiere y fuere preguntado, y siendolo por su nombre, estado, edad, y vecindad, Dijo: se llama Domingo Bermudez: q.e es casado de edad de veinte y seis años y vecino de Santa Barbara.

Preguntado por el mismo interrogatorio en q.to fuerza los anteriores Dijo:

A lo 1o.— Que la Sra. Gaba es mexicana por nacimiento: que es viuda: que no tiene hijos mas que tres adoptados q.e mantiene à sus expensas y que es de buena conducta, y responde

A lo 2o.— Que el terreno que solicita save pertenece à la mision de S. Buenaventura; pero q.e hace mucho tiempo está baldio, y contesta

A lo 3o.— Que si tiene los bienes de campo suficientes para poblarlo: y q.e lo dicho es la verdad à cargo del juramento q.e hecho tiene en el q.e se afirmó y ratificó leida que le fué su declaracion y no firmó por no saber, lo hice yo con los de asistencia.

R. José R. Estrada

De asistencia
José Joaquin Romero

De asistencia
José Maria Alvarado

Con-

SELLO TERCERO DOS REALES.
Habilitado provicionalmente por la Administracion de la Aduana Maritima de Monterrey de la alta California, para los años de mil ochocientos treinta y seis y mil ochocientos treinta y siete.
Gutierrez A. Ramirez.

Oida la informacion, se entregó al interesado en 7 fojas utiles, para el devido cumplim.to de lo q. dispone el superior decreto del S. Gefe Político, y para constancia lo puse por nota q. subsigo

Monterrey Mayo 6. de 1836.

Vista la peticion con que dá principio este expediente, el informe del Y. Ayuntamiento de Sta. Barbara, y el del R. P. Ministro de la Mision de Sn. Buenaventura, la informacion de testigos con todo lo demas que se tubo presente y ser convino. De conformidad con lo dispuesto en las leyes y reglamentos de la materia, se declara á Da. Gabel Gorba duena en propiedad del terreno conocido con el nombre de Guadalasá, sin comprendiendo en él

el llano y laguna que en el di-
-seño se indican conforme en un todo
con el informe del P. Fr. Blas
Ordás con lo que conviene la interesa-
-da segun ha hecho saber á este Go-
-bierno, sujitandose en un todo á las
condiciones que se estipularon. Li-
-bresele el despacho correspondiente; tome
-se razon de él en el libro respectivo;
entreguesele á la interesada y reser-
-vese este espediente para dar cuenta
á la E. Diputacion para su
aprobacion. El Sor Dn. Mariano
Chico Gefe Politico de la Alta
California así lo mandó, decretó y
firmó, de lo que certifico.

Dros. 12 p.s

Mar.o Chico

Fr.co del Castillo
Negrete
Secretario

En 21 de Mayo, pasó à la comis.n de terrenos.

Maldonado.

rio.

Excmo Sor.

La Comision de Terrenos Baldíos impuesta del expte q. se mando practicar á Petición de D.a Ysabel Torra del Barraxon bado Guadalaxa no encontrando en el objeción alguna q. hacer siendo en todo conforme al Art.o 5.to del Reglam.to de 21 de Nobre de 828. y ala Ley de 18 de Agto. de 824 ofrece ala deliberación de V.E. la sig.te Proposición

Se aprueba la Concesion hecha á D.a Ysabel Torra del terreno Nombrado Guadalaxa Concedido en 6 de Mayo de 836 Monterey 10 de Junio de 1836.

Jose Joaquin Gomez

José Ant.o B. de la Garza

Carrillo

Saltillo Julio 5. de 1836.

En sesion de este dia aprobó la E. Junta Departamental la unica proposicion en q. concluye el dictamen q. antecede, y acordó pase este expediente al S. Gefe Político para su conocimiento

Juan B. Alvarado
Presidte.

José Maria Maldonado.
Secretario.

Monterrey 29. de Agosto de 1836

Enterado de la aprobacion obtenida en el dia 5. de Julio del corriente Año por la E. Diputacion Territorial del breve testimonio de ella á la parte de Dña Gabriela Yoba en confirmacion á la concesion hecha del terreno conocido Guadalassa

El Sr. D. Nicolas Gutierrez Coronado Gral y Gefe Político interino lo mandó, decretó y firmó doy fé.

Nicolas Gutierrez

Manuel Mra. Gonzalez,
Secretario.

Monterrey

17.

Septiembre 27. de 836.

Se sacó el testimonio correspondiente, en una foja útil del sello tercero doy fee.

Gonzalez.

Mio nto.

177 SD
PAGE 83

Office of the Surveyor General,

Of the United States, for California.

I, **JOHN C. HAYS**, *Surveyor General of the United States for the State of California, and as such, having in my office and in my charge and custody a portion of the* **Archives** *of the former* **Spanish** *and* **Mexican** *Territory or Department of* **Upper California**, *by virtue of the power vested in me by law,* **Do Hereby Certify**, *that the* Seventeen *preceding, and hereunto annexed page of tracing paper numbered from one to* Seventeen *inclusive, exhibit a true and accurate copy of* a certain document now on file and forming part of the said Archives in this office

In Testimony Whereof, I have hereunto signed my name officially and caused my Seal of Office to be affixed, at the City of San Francisco, this nineteenth *day of* October *1855.*

John C. Hays

U. S. Surveyor General for California.

Extract from the 2nd Section of the Act of Congress "providing for the Survey of Public Lands in California, and for other purposes." Approved, March 3d, 1853.

"The Secretary of the Interior is hereby authorized to cause an official Seal to be prepared for the Office of the said Surveyor General, [California] and any copy or extract from the plats, field notes and other records and documents on file in his office, when attested as such by the said Seal and the signature of the Surveyor General, shall, in all judicial matters, have the same force and effect as the original."

31 B.L.

No 177 SD

United States Dist Court
Southern Dist of Calif.

Israel Yorba, appellant
vs.
The United States, appellee

Expediente of 1st grant

Filed Dec 28th 1855
J. E. Carr
Clk.

1836.

Jurisdiction of Santa Barbara

Espediente moved by Doña Ysabel Yorba asking for the place called Guadalacsa.

1836

No 14.

Señor Superior Political Chief!

Ysabel Yorba, of this neighborhood of Santa Barbara, widow of Lieutenant Don Joaquin Maitorena, before your Excellency with due respect and in due form, says:

That having five hundred head of cattle, forty tame horses and some mares, and not having a place in which to pasture them, it results that although the cattle breed and increase progressively, I suffer strays and losses of some animals, and having to support four orphans, minors, as my adopted Children, I come to your Excellency in whom we now find an authority ready to protect humanity, asking you in charity, that, in the exercise of ~~the~~ your powers, taking into consideration what is stated above, (and, if they merit any attention, the services rendered by my deceased husband to this Territory in the army for a long term of years till he became a Lieutenant,) you would be pleased to favor me with a grant in fee of the place called Guadalacsa which is vacant, without any cultivation and only occupied by some untamed and wild animals; this place was asked for, some time ago,

by Tomas Olivera and José de la Concepcion Romero, citizens of this Pueblo; but having withdrawn their petition they do not now ask for it; so they themselves assure me. The situation and circumstances (boundaries) of this land are those shown in the map which I duly send herewith, and as I say to Your Excellency said place is only pasture land for wild animals, but if Your Excellency should be so good as to grant my petition, within a short time it will be occupied with cattle and useful to the Territory, for besides the number of cattle which I may belong to me, I can introduce into the place before mentioned a few more, and a small number of sheep, ~~by~~ the increase of which and the cultivation of the soil will contribute to the agrandisement of the Territory, and its abundance cannot be a matter of indifference to Your Excellency.

Wherefore I pray, and hope from Your known goodness, you will be pleased to accede to my petition, granting me the said place, by which I shall receive grace and favor, and my gratitude will be eternal.

Santa Barbara April 14th 1836.

Ysabel Yorba +

Monterey April 22d 1836

In conformity with the laws and regulations on the matter, the Ayuntamiento of Santa Barbara will report if the person mentioned in this proceeding possesses

the qualifications necessary to entitle her to be attended to in her petition; if the land asked for is irrigable, dependent on the seasons, or pasture land; if it belongs to the property of any individual, corporation, or pueblo; if she has stock to occupy it or the means of acquiring it. Having finished these proceedings, it will be passed to the Father Minister of San Buenaventura in order that he may express what he has on the subject. Señor Don Nicolas Gutierrez, Lieutenant Colonel, Commandant General and Inspector, and political Chief of Upper California, thus ordered decreed and signed, of which I certify.

Nicolas Gutierrez
Francisco del Castillo Negrete
Secretary.

Santa Barbara April 26th 1836

On this day the Ayuntamiento took up this Expediente and ordered it to be passed to the Committee on vacant lands.

Vicente Moraga
Secretary ad interim

Illustrious Ayuntamiento

The committee on vacant lands has examined the Expediente moved by Doña Isabel Yorba, asking for the place of Guadalasca, and finds that it is a vacant place, ~~bordering on~~ contiguous to San Buenaventura on the northwest, and the Rancho of "El Conejo" on the east; that

it is not within the twenty frontier leagues, but is within the twenty Littoral leagues mentioned in the law of August 18th 1824; that it is pasture land and not capable of irrigation; that the party, Doña Ysabel Yorba who asks for it has all the qualifications required by the law to entitle her petition to be granted; wherefore the Committee concludes with offering to the deliberation of the Ayuntamiento the following proposition:

There may be granted to Doña Ysabel Yorba the land known by the name of Guadalocsa.

Santa Barbara April 26th 1836

Fernando Tico
Santiago Lugo
Daniel Hill

Señor Superior Political Chief.

In compliance with the superior decree of Your Excellency dated the 22d inst., this Ayuntamiento reports to Your Excellency in the exact terms of the foregoing Report of the Committee, conforming to it in all its parts.

Santa Barbara April 26th 1836.

Guillermo G. Dana.

San Buenaventura April 27th 1836.

With respect to what is set forth in the expediente and annexed map, I say that by no title or pretext can this Mission

deprive itself of the Laguna and wide and fertile plain which it now occupies with more than two thousand head of cattle; what alone I can accede to is from the top of the Hill (Loma) to the extremity of Punta de Maya. This is what I have to say on the matter.

Friar Blas Ordaz.

Monterey April 29th 1836.

Pass this to the 1st Alcalde of this Port, before whom the party of Doña Isabel Yorba will produce the testimony of three competent witnesses who will be interrogated on the following points:

1st Is she married, has she children, what is her conduct, is she a Mexican born?

2d Does the land asked for belong to any individual, corporation, or Pueblo?

3d Has she stock with which to occupy it, or the means of obtaining stock?

Having completed these investigations, return this Espediente for its decision.

Señor Don Nicolas Gutierrez, Lieut. Colonel, Commandant General and Political Chief of Upper California thus ordered, decreed and signed; of which I certify.

Nicolas Gutierrez

Francisco del Castillo Negrete
Secretary.

Monterey May 2d 1836.

Let the party interested be notified to

present the witnesses who are to be examined on the points stated in the foregoing superior decree, and when the proceedings and are reviewed and concluded, pass this expediente to the Superior Political Chief. Thus I, the 1st Constitutional Alcalde decree order and sign, ~~with those of assistance~~.

Jose R. Estrada.

of assistance — Jose Maria Maldonado

of assistance — Jose Joaquin Gomez.

On the same day citizen Bernadino Lugo presented himself with a sufficient power of Atty to act in the proceedings of this expediente for Senora Doña Ysabel Yorba, and being notified and made acquainted with the foregoing decree, he said he heard it, and presented as witnesses the Senores Don Jose Antonio Nariega, Don Juan Pablo Ayala, and Don Domingo Bermudes; and he signed with me and those of assistance.

Estrada — Bernadino Lugo

of assistance — Jose Maria Maldonado

of assistance — Jose Joaquin Gomez.

On the 14th of May 1836, present citizen Jose Antonio Nariega and was duly to tell the truth as to what he knew and was asked; and being asked his name, condition, age and residence, said, that his name is as stated, was married, 30 years of age, and resided in Santa Barbara.

Being asked each of the interrogatories detailed in the Superior decree of the 29th ultimo, he said:

To the 1st — That senora Doña Isabel Yorba was Mexican born, a widow, has no children, is of good conduct;

To the 2d — That the land asked for belongs to no property, and that it is considered vacant;

To the 3d — That she has cattle with which to occupy it; and that what he has said is true under the oath which he has taken, and it being read to him he ratified as his declaration and signed with me and those of my asistance.

Jose R. Estrada, of asistance
Jose A. de la Guerra y Carrillo of asistance.
Jose Maria Maldonado
Jose Joaquin Gomez

On the same day appeared Citizen Juan Pablo Ayala and was sworn in due form to tell the truth so far as he knew and was asked, and being asked his name condition, age and residence, said that his name was as above, a bachelor, 32 years of age, and a resident of Santa Barbara.

Being questioned in the same manner as the preceding witness, he answered,

To the 1st — The party interested in this proceeding is Mexican born, a widow, has no children, and is of good conduct;

To the 2d. That what he knows in reference to this interrogatory is that the land is contiguous to the Mission of San Buenaventura, but does not belong to it, nor to any other person;

To the 3d. That she has both things mentioned in

the interrogatory; that what he has said is the truth under the oath which he has taken, and being read he affirmed and ratified it as his ~~oath~~ declaration, and he signed it with me and those of my assistance.

Jose R. Estrada — Juan Pablo Ayala
of assistance — of assistance
Jose Maria Maldonado — Jose Joaquin Gomez

In continuation the third witness appeared and was duly sworn to tell the truth in what he knew and was asked, and being asked his name, condition, age, and residence, said: his name was Domingo Bernardes, that he was married, was 29 years of age and a resident of Santa Barbara.

Being questioned in the same manner as the preceding witnesses, he replied.

To the 1st interrogatory — That Senora Yorba was Mexican by birth; was a widow; had no children, but had 3 god-children who were supported at her expense, and that her conduct was good;

To the 2d — That the land asked for pertained to the Mission of San Buenaventura, but for some time it had been vacant;

To the 3d — That she had sufficient stock to occupy the land: That what he has said is true under the oath he has taken, and it being read, he affirmed and ratified it as his declaration, and he did not sign with me and those of my assistance.

as he did not know how.

Jose R. Estrada

of assistance — of assistance

José Maria Maldonado — José Joaquin Gomez

This proceeding being concluded it is delivered to the party interested in 7 pages, in due compliance with the superior decree of the Senor Political Chief in testimony whereof I sign my initial & rectric.

Monterey May 6th 1836

Having seen the petition which begins this Espediente, the Report of the Ayuntamiento of Santa Barbara, that of the Rev. Father Minister of the Mission of San Buenaventura, the testimony of witnesses, with all else presented and proper to be seen; in conformity with the laws and regulations on the matter, Doña Ysabel Yorba is declared owner in fee of the land known by the name of Guadalasca, not including in it the plain and laguna which are represented on the map; conformably to the report of Father Fray Blas Ordaz, to which the party interested agrees as she has notified this Government, subject to the conditions which will be stipulated. Let the corresponding dispatch issue, take note of it in the respective book, and deliver it to the party interested, reserving this Espediente to be submitted to

the Most Excellent Deputation for its approval. Senor Don Mariano Chico, Political Chief of Upper California thus ordered decreed and signed, of which I certify

Mariano Chico

Francisco del Castillo Negrete
Secretary.

On the 31st of May referred to the Committee on lands.

Maldonado
Secretary.

Most Excellent Senor

The Committee on vacant lands, charged with the Expediente ordered to be formed on the petition of Doña Ysabel Yorba for the place called Guadalaxsa, finding in it no objection, it being in every respect according to Art. 5th of the regulation of November 21st 1828, and the law of August 18th 1824, offer to the deliberation of your Honorable body the following proposition:

Approve the grant made to Doña Ysabel Yorba of the land called Guadalaxsa, made on the 6th day of May 1836.

Monterey June 10th 1836

Jose Joaquin Gomez

Jose Antonio de la Guerra y Carrillo.

Monterey July 31th 1836

In sesion of this day the most Excellent Departmental Junta approved the proposition with which the preceding report concludes, & ordered that this Expediente be passed to the Senor Superior Political Chief for his action.

Juan B. Alvarado
President.

Jose Maria Maldonado
Secretary.

Monterey August 29th 1836

In view of the approval passed on the 5th of July of the present year by the Most Excellent Territorial Deputation, let testimony of it issue to Doña Isabel Yorba in confirmation of the grant made to her of the land called Guadalasca

The Senor Don Nicolas Gutierrez, Comandant General and Political Chief ad interim, thus ordered, decreed and signed, of which I certify.

Nicolas Gutierrez

Manuel Maria Gonzales
Secretary.

Monterey September 31st 1836

Made out the corresponding testimony on one leaf of the 3d stamps, of which I certify.

Gonzales
Secretary ad interim

No 177

United States Dist court
Southern Dist of Cala.

Gabriel Yorba, appellant
vs.
The United States, appellee

Translation of Expediente
of 1st grant.

Filed Dec 28th 1855.

J. Harper
Clk

Bullock Peachy & Billings
Attys for appellant

IN THE DISTRICT COURT OF THE UNITED STATES,

FOR THE SOUTHERN DISTRICT OF CALIFORNIA,

Los Angeles,..... December Term, 1855.

Isabel Borba

..... APPELLEE, VS. UNITED STATES, APPELLANT.	No. 177. (No. 31. of Transcript.) On Appeal from the United States Land Commission.

On motion of P. ORD, Attorney of the United States for the Southern District of California, it is hereby

ORDERED by the Court, that an appeal be granted the United States, to the Supreme Court of the United States, from the judgment of this Court against the said United States in the above entitled cause, rendered on or about the 7th day of January A. D. 1856.

P. Ord
Dist Atty.

No. 1451.

U.S. Dist Court
South'n Dist of California

Gabriel Yorba
appellee
vs
The United States
appellants

Notice of Appeal &c.
Filed March 4th 1856
C. E. Gale Clk
by A. C. Gagan Depy

In the District Court of the United States within and for the Southern District of California

December Term 1856

The United States
Appellee

vs

Isabel Sorba
Appellant

Docket No 127.

The appellant moves the Court to amend the decree in this cause filed March 7th 1856, for the reason that the same is erroneously drawn, that the same be amended so as to refer to both the grants set forth in the Transcript, instead of the Grant of Alvarado alone. And further, that the Court order the amended decree to be filed as of March 7th 1856, the day of the filing of the Original decree, and that the said amended decree be substituted in the place of the said erroneous decree

Halleck Peachy & Billings

No. D. Dist Court
South.n Dist. Cal.a

Case No. 177

The United States
Appellee

vs.

Gabriel Yorba
Appellant

Motion
to Amend Decree

Filed this 3d. February
1857
C. Sims clk
J. H. Redman
Dep.

In the District Court of the
United States. Southern District
of California

Hon Isaac S. K. Ogier Judge

December Term 1856

The United States
Appellee

vs

Isabel Vorba
Appellant

Docket No 121

Transcript No 31

It appearing to the Court that the decree on file but not recorded in this cause in favor of the claimant was erroneously drawn. On Motion of the Attorney for the Claimant, the Dist Attorney of the United States being present and not opposing. It is Ordered, that said decree be amended according to the draft presented this day & signed by the Court And further that the Clerk file the amended decree signed this day as of the 7th day of March 1856. the day of the filing of the Original decree And that this amended decree be substituted in place of the said first decree

Isaac S K Ogier
U S Dist Judge

U. S. Dist. Court
South.n Dist. Cal.a
Case No 177

United States
Appellee
vs
Ysabel Yorba
Appellant

Order —
Amending Decree

Filed this 3rd February 1857
Chas Sims Clk
J. H. Coleman
Dep

California Land Claims
Attorney General's Office
27 September 1856.

Sir:

In the case of the claim of Isabel Porra confirmed to the claimant by the Commissioners, case No. thirty one (31) appeal ~~in the case~~ ~~for days~~ will not be prosecuted by the United States.

I am
Respectfully
Cushing

Pacificus Ord Esq.
U.S. Attorney
Los Angeles.

177

Isabel Gorba
31

Rejected by Commrs &
Confirmed by Dist Court

177 SD
PAGE 104

Filed Nov 4th 1856

In the District Court of the
United States within and for the
Southern District of California

Hon Isaac S K Ogier Judge

December Term 1856

The United States
Appellants

vs

Isabel Yorba
Appellee

Docket No 177

Transcript from the Board of Land Commissioners No 31

In pursuance of a letter from the Attorney General of the United States, hereunto annexed, giving Notice that in the above cause the Appeal in the Supreme Court will Not be prosecuted by the United States; it is hereby stipulated and agreed by and between the parties that the order granting an Appeal on Appeal to the Supreme Court heretofore made in the above cause be vacated, and that the decree of the Court heretofore rendered in this cause may by order of the Court be made final

J. ORD Dist Atty.

Hallett Peach & Billings
Attys of appellee.

U. S. Dist Court
South'n Dist Cal'a
No 1241

The United States
Appellant
vs
Gabriel Yorba
Appellee

Stipulation
to vacate order of
Appeal to Supreme Court

Filed this 5th February
1857
Ch Ann Clk
J. H. Coleman
Dep

In the District Court of the United States, within and for the Southern District of California

Hon Isaac S K Ogier, Judge.

December Term 1856

The United States
Appellant

vs.

Isabel Norba
Appellee

Docket No 177.

Transcript from the Board of Land Commissioners No 131.

The Attorney General of the United States having given Notice that the Appeal to the Supreme Court from the decision of this Court in the above entitled Cause will not be prosecuted by the United States, And a Stipulation having been entered into by the United States District Attorney and the Attorney for the Claimant that the Order granting an appeal to the Supreme Court heretofore made in this Cause be vacated And that the decree of this Court heretofore rendered in this Cause may by order of the Court be made final. it is

Ordered, Adjudged and Decreed, that the

Order granting an appeal to the Supreme Court heretofore made in this Cause be and the same is hereby vacated. And that the Claimant have leave to proceed under the decree of this Court heretofore rendered in this Cause as under a final decree

Isaac S. K. Ogden
U. S. Dist Judge

U. S. District Court
South'n Dist California
No 195.

The United States
Appellant
vs
Pedro Carlos
Appellee

Order
Vacating Appeal

Filed Feb 5th 1857
Chas Colt
Clerk

United States District Court
within and for the Southern
District of California.

Hon Isaac S. K. Ogier Judge

December Term 1855

The United States
Appellees
vs
Isabel Yorba
Appellant
No. 177

Transcript from the Board of Land
Commissioners No. 31.

This cause coming on to be heard, on
appeal from the decision of the Board of
Land Commissioners to ascertain and
settle private land claims in California,
upon the transcript of the proceedings
and decision of said Board and the
documentary and other evidence upon
which said decision was founded, and
upon other evidence taken and filed
in this Court, and counsel for the
respective parties having been heard

it is Ordered, adjudged and decreed that the decision of said Board of Land Commissioners declaring invalid and rejecting the claim of the above named appellant, Isabel Yorba, to the lands set forth and described in her petition to said Board and in the documentary and other evidence taken and filed in this case, be and the same is hereby reversed; and it is further Ordered adjudged and decreed, that the title of the said appellant Isabel Yorba to the said lands so set forth and described is a good and valid title and that her claim to said lands be and the same is hereby confirmed.

The lands of which confirmation is hereby made are situated in the County of Santa Barbara, and are first, the tract of land, called "Guadalasca" granted to the said Isabel Yorba on the sixth day of May 1836 by Governor Mariano Chico, and, second, the addition to said tract granted to the said Isabel Yorba on the sixth day of April 1837 by Governor Juan B. Alvarado; the said lands have the boundaries shown by the respective grants and maps, to which

reference is had for a more particular description. If the lands within said boundaries exceed in quantity eleven square leagues the confirmation hereby made is made to eleven square leagues and no more: but if the quantity within said boundaries is less than eleven square leagues, the confirmation hereby made is made to such less quantity.

Ewer L. Ogden
U. S. Dist Judge
for the S Dist of Cal

No. 177

The United States
appellee
vs.
Isabel Yorba
appellant

Amended Decree.
~~Appeal~~.

Reversing decision of
Land Commissioners and
Confirming Claim.

Filed ~~Feb~~ 3d 1855 for
March 7th 1854
C Sims
Clk

Recorded Feby 21st 1857
at pg ~~241~~ 277

Gabel Torba appt
vs.
The United States appee } No 177.

Testimony of Ignacio del Valle a witness for Appelt. taken in open Court on the trial of the above cause - Dec 28th 1855.
F. Billings acting for Appelt. P. Ord for the appellees - D. Spence was sworn as Interpreter.
Ignacio del Valle being duly sworn testifies as follows.

Ques. What is your name age & place of residence.
Ans. My name is Ignacio del Valle, my age is 47 - my residence Los Angeles.
Ques. Look at the several Documents attached together marked Exhibit "W" "E.E." and hereto annexed, being the documents originally annexed to the Deposition of Pablo de la Guerra taken and filed in the office of the Clerk of the Land Commissioners in this case while pending before the Commissioners - and tell if you are acquainted with the handwriting & signature of Mariano Chico, Francisco del Castillo Negrete, W. E. P. Hartnell.

Nicolas Gutierrez, Manuel Maria Gonzales, Juan B. Alvarado, Cosme Pena, & Victor Prudon. If so, examine the signatures purporting to be the signatures respectively of the several persons on the document, & state if the signatures wherever they occur therein are genuine signatures, and are respectively in the own proper handwriting of the said several persons.

Ans. — I have examined the document referred — I have seen the persons above named write frequently and am acquainted with their signatures. Their signatures wherever they appear in said documents are genuine, and are respectively in their own handwriting

Ygnacio del Valle

Sworn to & subscribed before me, this 28th day of Dec A.D. 1855.

C. E. Carr
Clk

177 SD
PAGE 115

Office of the Surveyor General of the United States,
FOR CALIFORNIA.

I, J. W. MANDEVILLE, *United States Surveyor General, for the State of California, do hereby certify that the Rancho* "Guadalasca" *confirmed to* Isabel Torba, *has been surveyed by this office, and that the survey and plat was approved by the U. S. Surveyor General, on the* 25th *day of* March, *1861; that I have caused to be published, once a week, for four weeks successively, in two newspapers, to wit: the* Santa Barbara Gazette, *published in the County of* Santa Barbara, State of California, *being the newspaper published nearest to where the said Rancho is located, the first publication being on the* 18th *day of* June *1861, and the last, on the* 5th *day of* May *1861; also, in the* Los Angeles Star, *a newspaper published in the City and County of* Los Angeles, State aforesaid, *the first publication being on the* 27th *day of* April, *1861, and the last on the* 18th *day of* May, *1861, a notice that the said land had been surveyed, and a plat made thereof, and the survey and plat approved by me. And I do further certify, that the said survey and plat were retained in my office during all of said four weeks, and until the expiration thereof, subject to inspection; and I further certify, that no order for the return thereof to the U. S. District Court, has been served upon me.*

In Testimony Whereof, I have hereunto signed my name officially, and caused my Seal of office to be affixed, at the City of San Francisco, this 5th *day of* May *186*1

J. W. Mandeville,
U. S. Surveyor General for California.

A free, true and correct copy of the original, now on file and of record in this office.
Witness my hand and the seal of said office, this 25th day of November, A.D. 1867.

L. A. Mc M
U. S. Sur. General.

No. 177.

Isabel Yorba

v.

The United States

Certificate of Surveyor General

Isabel Lorba, appellant
vs
The United States, appellee.

The claim in this case is founded on two grants to the present claimant the 1st made by Governor Chico bearing date the 6th of ~~April~~ May A.D. 1836, and approved by the departmental assembly July 5th 1836, and purports to be for a place called Guadalazca as described by the map which accompanies the Expediente, reserving a certain portion of the land as described by the map in consequence of the respect of the Priest of the Mission, that that portion of it was occupied by the Mission of San Buenaventura, with some two thousand head of cattle — The next it would seem that the Mission owned the cattle or at any rate neither the objection made by the Priest, nor the claimant Isabel Yorba, petitioned anew for the land which was asked in the first grant, and which was part of the land described in the map — And on the 6th of April 1837 Alvarado the Governor granted the

land asked for to the claimant which grant was approved on the 19th of April of the same year —
The fourth condition of the grant describes the land as follows 'to wit' — The land of which donation is made is merely that which is contained within the boundaries, which are marked upon the map, which accompanies the expediente } There were both ~~this is three~~ & grants by metes and bounds, and these metes and bounds are to be sought for in the map to which reference is made; for the first grant refers also to the map for a description of the land, reserving a certain portion of it as thus shown —
If the first grant were alone under consideration, I think there might possible be some difficulty in ascertaining precisely from the map, the particular part of the land described in it, which was intended to be granted and which reserved; but this uncertainty is entirely cured by the description contained in the condition of the second grant. to wit, the land contained within the boundaries, marked

upon the map. — The evidence intended
was to grant the whole of the land
so granted, ~~and if there can be~~
And if the map is definite enough to
enable us to ascertain and identify
the particular tract, there can be
no difficulty in the way of a con
firmation so far as the question
identity is concerned.

The Map in this so far as my ex
perience goes, is remarkably definite
and distinct and is accompanied
by notes made upon explaining with
great certainty the situation of the
tract. The note upon the map shows
the commencement of the survey
was at the Punta de Mugu, this point
is shown upon the map, being the southern
corner of the tract, the South Eastern
side is described as running along
the coast and the mountains, which
are laid down upon the map; and
they extend three leagues, thus there
a point on the coast three leagues from
the Punta de Mugu, forms the second
corner, the North eastern side is
described as being two leagues in extent
running a direction a little ~~south of east~~ east of north

here then we have a third corner.—
The northwestern side is described as
three leagues in extent, running in
a south western direction, and
making the third side of a parallelogram
the army is closed by the south wes-
tern boundary line running south
eastly, and being in extent two leagues
which brings us to the mark of beginning
It seems to me, that it would be im-
possible for a surveyor with this map
to guide, course mistake the meaning
intent.

~~Thus grant~~ In this case a complete
compliance with the conditions of the
grants is proven except as to the
asking for prudential possession, this
objection has been before considered
by this Court & the Supreme Court of the
United States, and decided to be
insufficient to invalidate a grant
otherwise good.

The claimant is therefore entitled to
a confirmation and a decree will
be entered according

No 177

Doña Ysabel Yorba, appellant, vs The U. S. appellees.

The Transcript in this case contains:

II Petition to Commissioners p. 3.

III Deposition of Pablo de la Guerra p. 5
proves signatures to original grants and approvals, and to map; knows nothing of the occupation of this land except by hearsay.

IIII Deposition of Andres Pico. p. 6.
proves 1st occupation by grantee in 1836 with cattle and horses; — was not on the land again till 1840; grantee then had a house on the land, and she still occupies it.

IV Original grants, & approvals, and certified copy of Map (proved by Don Pablo). pp. 7 to 11

V. Translations of grants & approvals pp. 13 to 16.

VI. Opinion of Commissioners pp. 17 to 19.

VII. Decree " " p. 20.

Proceedings in U. S. Dist. Court

1st Transcript filed Dec 19th 1854
2d Notice of appeal " Dec 26th "
3d Petition for Review " Dec 26th "
4th Answer " Febry 24th 1855.
5th Deposition of Bernardino Lugo "
proves the building of a house and the occupation of the land with cattle, horses &c immediately after the 1st grant in 1836. This witness had full opportunities of knowing what he testifies to, and his deposition goes into the details as to the occupation & improvements on the land, and the relative position of the natural objects described in the titles & represented on the map.

6th Expediente of 1st grant. filed ~~Dec. 24~~ Dec. 28 1855

7th Translation of Expediente of 1st grant, filed, Dec. 28. 1855
8th Expediente of 2d grant " " "
9th Translation of Expediente of 2d grant " " "
10th Depn of Ignacio del Valle - proving original title papers - Pablo de la Guerra not having in his Dep. taken before the Land Comr for this purpose all the papers of the documents. The original documents were withdrawn from Land Commission and are place with this Dep.

Remarks. This claim was rejected by the commissioners on two grounds: 1st that the building of a house or cultivation of the land within a reasonable period after the grant, was not proved. This objection is fully obviated, even if it were a valid one, by the deposition of Bernardino Lugo, taken in this court.

2d That, the certified copy of the map, being rejected, the description of boundaries in the grants is indefinite and not sufficient to segregate the land. It would have been easy to prove the official character of Mr. Hartnell as keeper of the archives at the date of his certificate, but as the archives have now been arranged, we file full copies of the Expedientes duly certified, which obviates the objection taken to Hartnell's certificate. These expedientes are full & complete, and show the proceedings on which both grants were issued.

The 1st grant, dated May 6th 1836, is for the land described in the map, between the Plain and the Punta de Mugu, the plain and laguna marked on the map being excluded. This grant was approved July 5th 1836. The decree of Governor Chico (in Expediente of 1st grant p. 13) shows that this reservation in

the grant was made on the representation of Father Blas Ordaz.

The 2d grant, dated April 6th 1837 and approved on the 19th of April 1837, is made in order to convey the land excepted in the former grant, and is for all the land described in the map referred to as in the Expediente of the previous grant, and with the boundaries represented on that map. The addition so made to the former grant is from the Punta de la Laguna to the land previously granted to Mrs. Yorba.

Let us now recur to the map and see what land was intended to be conveyed by these two grants.

We think the boundaries described in this map are much better defined than is generally the case in maps of this kind made at the time it bears date, and there can be no doubt that had the expediente been filed with the commission with the proofs of ocupation now produced in this court, the commissioners would have confirmed the claim.

"The south west side faces on the sea-shore and is two leagues in length."

The southern corner is the Punta de Mujer and may be considered the point of beginning for the survey.

"The side which looks to the south east faces the sea-shore and mountain is three leagues in length"

This side is also well defined, as it

begins at la Punta de Mujer and runs along the sea-shore and sierra ~~to the sou~~ in a southeasterly direction three leagues, which will give the east corner.

"The side looking to the north-east is ~~two~~ leagues in length and three leagues distant from the Rancho of "El Conejo".

Here we have the starting point, the direction of the line, its length, and its general distance from El Conejo. The latter part of the description is superfluous for the position of the line is fixed without it.

"The side looking to the north west is three leagues in length, and distant from San Buenaventura in the same direction (North west) from the extremity of the plain which extends to the sea-shore, nine leagues"

The latter part of this description is superfluous as the line fixed in position by the south west & north east sides, and its length being given as three leagues.

Moreover, there is a note on the map, saying that, "the point of beginning in this map, is the top of the high hill at the entrance to the canada at la Punta Mojé." This fixes precisely the point of beginning in the survey, and no intelligent surveyor, with the length, position & direction of each of the four sides given, could find any difficulty in the ~~direction~~ location and measurement

of the land, even without any description whatever in the titles.

It will be seen that the whole amount of land in this grant, if it were a perfect rectangular parallelogram could not exceed six leagues; as two of the sides are irregular and the lines probably not at right angles, the amount will probably not exceed five leagues. It, however, is a grant by meets and bounds, the quantity not being mentioned in the grant.

The equities of this claim are as strong as in any case presented to this court. The performance of every condition subsequent, except the juridical survey, is fully proved; moreover the final title or certificate of approval by the Deputation makes the title a perfect one, but even without this, the equities of the case would entitle her to a confirmation of her claim for the land according to the boundaries described in the grants and represented on the map in the Expediente.

No 177

Index of Case

Hallett Penley & Billings
Attys for Appellant

YSABEL YORBA, Appellant)
vs.)
THE UNITED STATES, Appellee.)

The claim in this case is founded on two grants, to the present claimant the 1st made by Governor Chico bearing date the 6th of May, A. D. 1836, and approved by the Departmental Assembly July 5th, 1836, and purports to be for a place called Guadalazca as described by the map which accompanies the Espediente, reserving a certain portion of the land as described by the map in consequence of the report of the Priest of the Mission, that that portion of it was occupied by the Mission of San Buenaventura, with some two thousand head of cattle. The next it would seem that the mission remove the cattle or at any rate withdrew the objection made by the Priest, and the claimant Ysable Yorba, petitioned anew for the land which was removed in the first grant, and which was part of the tract described in the map. And on the 6th of April, 1837 Alvarado the Governor granted the land asked for to the claimant which grant was approved on the 19th of April of the same year.
The fourth condition of the grant describes the land as follows, to wit: - The land of which donation is made is purely that which is contained within the boundaries which are marked upon the map which accompanies the espediente. These were both grants by metes and bounds. and those metes and bounds are to sought for in the map to which reference is made, for the 1st grant refers also to the map for a description of the land, resurvey a

certain portion of it as thus shown.

If the first grant were alone under consideration I think there might possibly be some difficulty in ascertaining precisely from the map, the particular part of the land described in it, which was intended to be granted and which reserved, but this uncertainity is entirely caused by the description contained in the condition of the second grant, to wit, the land contained within the boundaries marked upon the map. The evident intention was to grant the whole of the land so granted, and if the map is definite enough to enable us to ascertain and identify the particular tract, the ae no difficulty in the way of a confirmation so far as the question identiy is concerned.

The map in this so far as my experience goes is remarkably definite and distinct and is accompanied by notes made upon explaining with great certainity the situation of the tract. The note upon the map states the commencement of the survey was at the Punta de Muju, this point is shown upon the map, being the southern corner of the tract, the south eastern side is described as running along the coast and the mountains, which are laid down upon the map, and being extent three leagues, thus then a point on the coast, three leagues from the Punta de Muju, forms the second corner. The North Eastern side is described as being two leagues in extent running a direction a little east of north , here then we have a third corner. - The Northwestern side is described as three leages in extent, running in a south western direction, and making the third side of a parrelelgram. The survey is closed by the south western boundary line running

south entirely easterly and being in extent two leagues which brings us to the point of beginning. It seems to me that it would be impossible for a surveyor with this map to guide could mistake the particular tract.

In this case a complete compliance with the conditions of the grant s is proven except as to the asking for juridical possession, this objection has been before considered by this Court & the Supreme Court of the United States, and decided to be insufficient to invalidate a grant otherwise good.

The claimant is therefore entitled to a confirmation and a decree will be entered accordingly.